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5TH SESSION, 37TH PARLIAMENT

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Afternoon Sitting

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MONDAY, OCTOBER 25, 2004

The House met at 2:04 p.m.

Introductions by Members

J. MacPhail: I ask the House to join me in welcoming three leaders of the Right to Privacy campaign. Darrell Evans is the executive director of the B.C. Freedom of Information and Privacy Association, Clara Halber is with the Seniors Network of B.C., and Paul Lewand is chair of the B.C. Persons with AIDS Society. They're here today with some information that I'll table later. They are reminding us that every time we allow our personal information to be managed by private companies, we lose a little more control over our personal privacy. Would the House please make them welcome.

[1405]

Hon. S. Brice: Over the lunch break I had the pleasure of being the recipient of an act of poetry. A random act of poetry — pardon me. I was visited by....

An Hon. Member: Easy for you to say.

Hon. S. Brice: That's right.

Mr. Speaker: Poetic licence.

Hon. S. Brice: I was visited by Wendy Morton, poet, and Janice Wormald. They are here promoting poetry and poets and literacy in Canada nationwide. I ask the House to make them welcome.

B. Bennett: I have five introductions today, the first ones I've had, I think, in over two years. First of all, I want to welcome a former constituent, a lady who lived in Cranbrook with her husband for over 20 years and who has emigrated to Victoria. I would like the House to help me welcome Joanne Paige. I have a couple of constituents here. Larry and Donna Hall are both retired career civil servants with the Ministry of Forests. Larry worked for the Ministry of Forests for 35 years and Donna for 17 years. They're down from Cranbrook just having a look around to see how the business of the province is conducted. Please help me make them welcome as well.

It is also my honour this afternoon — on behalf of the Minister of Water, Land and Air Protection, who couldn't be here today — to help welcome two representatives from a great conservation organization, the B.C. Wildlife Federation. We have somewhere in the gallery this afternoon Mr. Chris Bos, who is the chair of the B.C. Wildlife Federation fisheries committee, and also the executive director, Tony Toth. Please help me make these two gentlemen welcome.

W. Cobb: With us in the House today is James Allanach, one of our hardworking LAs. With him is his mother, Gail Kivol, and his sister Angela Allanach.

They are visiting here from Medicine Hat, and they're here to watch politics in process in B.C., so please make them welcome.

J. Kwan: Visiting us today in the gallery is one of a number of candidates seeking NDP nominations. Particularly, we have a candidate seeking the nomination in the riding of Cariboo North, Mr. Bob Simpson. He is also a forest company executive in his community there. I would ask the House to please welcome Bob and, potentially, to welcome him into one of the seats in the Legislature here after May 17.

B. Penner: Mr. Speaker, it's my pleasure today to introduce a distinguished guest and a fellow who's become a friend of mine over the last two years, Mr. Marvin Wodinsky of the Canadian consul general office in Seattle. For the past year and a half or two years he's served very admirably as the acting consul general for Canada in the Seattle area. I think he did a very good job representing Canada's interests in the Pacific Northwest. I had the honour today, along with a number of other members, to join you in having lunch with both him and the new consul general for Canada, a gentleman by the name of Jeff Parker, who just took up his post last month. Would the House please make Mr. Wodinsky welcome.

Hon. L. Reid: I'd like to welcome a very wee soul to this place. It's my son. Will Nicholas Ivan Donnelly is here. Weighed this morning at the helijet with my dear colleagues, he weighs 22 pounds. If you see him this afternoon, step lively. He's not very tall. I'd ask the House to please make him welcome.

B. Suffredine: As the member for East Kootenay just pointed out, some of us who live further away have a long time between visits from people in places we live. I want to make an introduction of someone who's a bit unique. My son James phoned me — via long distance, of course — from Carleton in Ottawa and asked if I would be introducing him because he's here watching question period via his web camera off the Internet. I would ask that the House please make him welcome.

[1410]

Hon. G. Bruce: This was a good weekend for the Cowichan Valley and for British Columbia. We were awarded the North American Indigenous Games. I would specifically like to ask this House to congratulate the Cowichan people and the people of the Cowichan Valley for such an excellent presentation, which they put together for the bid committee. It was in Connecticut on Friday. I've got to tell you that if the games themselves come off just a portion of the process of what was employed in gaining the bid acceptance, we'll have excellent games here in the Cowichan Valley and for British Columbia.

Would you please congratulate the Cowichan Indian band on their successful application for these games.

**Statements
(Standing Order 25B)**

**ROLE OF WORKERS
IN HEALTH CARE SYSTEM**

J. Nuraney: It is not very often that one likes to talk about any mishap or unfortunate emergency that takes place in one's family, but I have a compelling reason today to share my experience with the House.

Ten days ago my younger brother, Salim, suffered a heart attack. My sister-in-law, Yasmin, called for an ambulance, and within minutes the paramedics arrived, saw the gravity of the situation and took my brother from his West Vancouver home to the Lions Gate Hospital in North Vancouver. The doctors there quickly recognized that there was going to be a surgical intervention necessary, and they asked that my brother be transported to St. Paul's Hospital.

The ambulance, when it arrived at St. Paul's, was met by a doctor and a nurse at the gate. He was quickly taken to the cardiac care unit and into the operating theatre, where two shunts were inserted in his artery, which was blocked. As this procedure was going on, a nurse came out, talked to the family, comforted the family and told them exactly what was going on. In the next hour, as he was brought out, with great relief to the family, the doctor explained what had happened and what the procedures were all about.

Mr. Speaker, I want to take this moment to pay a special tribute to our doctors, our nurses, our paramedics and the support staff for the excellent work that they did. They are some of the best in the world, and they are one of the reasons why British Columbia is the best place on Earth.

CONTRIBUTIONS OF SENIORS

D. Hayer: We all know the contributions made by our seniors. Through their dedicated efforts they created the province that we have become, and they continue to contribute with generous volunteering of their time, experience and expertise. As a government, we have done much to recognize these contributions. We proclaimed Seniors Week in B.C. This June we introduced a new licence plate to honour our 80,000 veterans, and we paid tribute this year to the work of the Royal Canadian Legion.

Seniors will not be forgotten in the new federal health funding allocation, which our Premier played a large role in obtaining for the provinces. The \$715 million will go directly to reducing surgery waiting times.

There was more good news for seniors at the recent UBCM convention, where the Premier announced a \$2 million grant for our local governments to better meet the needs of their aging population. Earlier this year the government pledged \$20.7 million to improve patient access to hip and knee surgeries, plus an additional \$5 million to reduce the wait time for cardiac surgeries.

In Surrey-Tynehead the Minister of State for Seniors' Services has twice met with local seniors. Also, we recently opened a new seniors housing complex in my riding, and a few years ago we provided low-income seniors with more housing and better care options by opening the 54-unit Guru Nanak Niwas development. I was also very pleased to hear that the Premier recently announced a new seniors caucus committee which will serve as an access point to government for B.C.'s seniors groups.

Sometimes we forget to thank those who have given so much to make this province a better place to live, but with all these initiatives this government is trying very hard to show its appreciation to all our seniors. There is still much more to do as we keep striving to improve the lives of our seniors.

MINING INDUSTRY IN CARIBOO AREA

W. Cobb: I'm pleased to stand today and highlight some very good news for my riding and, as a matter of fact, for all of B.C.

[1415]

For the first time in seven years trucks loaded with copper ore are rolling out from Gibraltar Mines near Williams Lake in the great Cariboo country. In the last couple of weeks the mine began shipping product after being shut down in 1997. They resumed round-the-clock operations, bringing with them 250 direct mining jobs and a potential for hundreds more spinoff jobs. It's a huge shot in the arm for the Cariboo. In the first five days alone they hauled over 1,000 tonnes of ore from Gibraltar, and they expect to produce 70 million pounds of copper and 1 million pounds of molybdenum annually.

There has already been \$46 million in investment, and they have plans to make a further investment to protect the mine from future fluctuations in the price of copper. They are also looking into \$100 million for the construction of an on-site refinery, which in turn could spur even further mining development in the region.

It's good news for the Cariboo, and it doesn't stop there. Work is underway to reopen the Mount Polley gold and copper mine, also near Williams Lake, and the QR gold mine near Quesnel.

In the last few months the unemployment rates in the region have dropped to their lowest in years. In the Cariboo there is a genuine optimism about our economic future. These mines will bring the kind of strong, well-paying jobs you can build a family around. We made changes to encourage investment in B.C.'s mining sector, and now those changes are paying off with jobs and prosperity.

The Cariboo is strong once again and becoming even stronger, so the measures we have taken over the last three years to revitalize B.C.'s economy are also helping the interior. I say that today we have 250 more examples of how that is true.

Mr. Speaker: That concludes members' statements.

Oral Questions

HEALTH CARE SYSTEM SURVEYS

J. MacPhail: British Columbians have come to expect public relations to trump the truth with this government, but let me give you a recent example. Last month the government made a big deal about an emergency room satisfaction survey which found, for example, that on Vancouver Island 88 percent of patients were satisfied with emergency care.

I would actually invite the members to take a closer look at the survey before they ape their government's cheers. The survey only found that 65 percent of patients were satisfied with the information they received, and 74 percent were satisfied with access to care. Not one category exceeds 78 percent satisfaction, yet magically the overall number is boosted to 88 percent. Can the Minister of Health explain what new math was used to arrive at this inflated satisfaction number?

Hon. C. Hansen: The survey that was done is one that's going to be repeated. There are, I guess, questions when surveys like this are done in other jurisdictions, and I think it's important to point out that what's most important is that it becomes a benchmarking number so that we can actually track and show that there is improvement in the system going forward.

I can assure the member that this survey was done by a very reputable organization. It was done totally at arm's length from the ministry, and I have every reason to be satisfied with the numbers.

J. MacPhail: Let's see why the minister has confidence — ill-placed confidence — in the survey. Again and again the government claims they're doing a good job, but the facts just don't support the spin. A 31 percent increase in wait-lists — "Not our fault," say the Liberals. Twice as many people waiting for hip surgery — "Not our fault," say the Liberals. Bogus patient surveys put out by unaccountable health boards that all of a sudden jack up the positive outcome by a good 10 percent....

When will the Minister of Health just admit that patients in B.C. are suffering as a result of higher wait-lists, overcrowded hospitals and broken Liberal promises?

Hon. C. Hansen: It's interesting that the member focuses on wait-lists instead of wait times, because I think most across Canada were looking at wait times. I would refer the member to a survey done....

Interjection.

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

[1420]

Hon. C. Hansen: I would refer the member to a survey that was done by Statistics Canada, where they actually did a survey on access to health care of over

30,000 Canadians in the year 2001, right after their ten years of administration. They repeated that survey again two years later, and it was just released, I believe, in June of this year. What it shows is that British Columbia now has the shortest median wait time for access to specialists and the shortest median wait time when it comes to access to diagnostics. There are only two jurisdictions in Canada that have shorter median wait times for access to elective surgery.

That is a survey that was done of individual Canadians, not a survey of doctors but a survey of Canadians asking them what their experience was with the health care system. What that survey shows is that there has been a dramatic improvement in the median wait times for access to health care services in British Columbia over the last three years.

J. MacPhail: Again, we have the Minister of Health using spin, because I read that report. The median wait time has nothing to do with better service to patients, and he knows that from the survey.

Let's go to the people actually on the ground. I challenge the Minister of Health to give that answer that he just gave to the health professional at the Royal Jubilee Hospital who last month put out an urgent plea for more beds. Let me quote. Here's the e-mail, dated September 29 of this year. It is a leaked internal e-mail obtained by the opposition.

Interjections.

Mr. Speaker: Order.

J. MacPhail: No, no, Mr. Speaker. Don't bring them to order. They have every reason to groan, because here's what it said: "Just a heads-up that we are in trouble today. One of the worst days I've seen. Some very sick patients admitted in the ER, and staffing is an issue in both ERs. We will be cancelling a significant volume of surgeries, but that alone won't get us out of the glue."

Interjections.

Mr. Speaker: Order, please.

J. MacPhail: To the Minister of Health: I dare him to stand up and tell this health professional that there's nothing to worry about, that things are getting better, that the government appointees on health boards have done a survey and — good news — that everyone is happy. Why doesn't he tell that to this person who did this e-mail?

Hon. C. Hansen: I won't say that we've solved all the challenges in health care, but I will say that things are improving. We now have lower wait times and lower wait-lists when it comes to access to cardiac surgeries. It is true.

In fact, if you go back and look at her record when she was the Minister of Health in this province, look at the number of patients that they had to ship out of Brit-

ish Columbia down to Washington State to get radiation treatment. Do you know what? In British Columbia today there is no wait time for access to cancer treatments, unlike when she was in government.

Last year we increased the number of surgeries and other major procedures that were done in this province by 38,000. I understand we're soon to get an update on that which will show we've even been accelerating the rate at which surgeries have been increasing.

I will acknowledge to this member that we have a challenge when it comes to joint replacements, and I can tell her exactly why. It is because more patients are being put on those wait-lists earlier in their need for treatment than was ever the case before. In fact, if you go back and compare knee replacements from 1991, when she first formed government, to today, we have increased the number of knee replacements that are done every year by 350 percent. But we know that the demand continues to grow, and we need to do more as well.

EMERGENCY HEALTH CARE SERVICE LEVELS

J. Kwan: Maybe the minister is spending too much time watching their government's ads self-promoting, and maybe the minister is spending too much time electioneering in Surrey. Maybe he should spend some time in the hospitals talking to front-line workers and health care professionals.

Let me quote from another e-mail sent by a health professional earlier the same day: "We are absolutely desperate today for beds. We're holding 30 admitted patients, ten of whom are in the hallways and two in the waiting room. Some of the hallway patients have a length of stay of eight days in a department that is never quiet and never turns down the lights."

[1425]

Can the Minister of Health tell us how satisfied these patients, lying in hallways under bright lights for eight days, are with the health care system under the B.C. Liberals?

Interjections.

Mr. Speaker: Order, please.

Hon. C. Hansen: As a matter of fact, I was at Royal Columbian Hospital last week, in the emergency room. Some significant changes have been made to make sure that patients can be placed on the wards much sooner than has ever been the case before.

I do get out and I do talk to front-line workers, probably a lot more than either of those members do. What they tell me in emergency rooms around this province is that they continue to have the days that are unpredictable. When they do have huge challenges on those unusual days, when there are more patients coming in than would ever have been anticipated.... But what I have been told by emergency room nurses and emergency room physicians is that it's not as bad in the last couple of years as it was during the 1990s.

Interjections.

Mr. Speaker: Order, please.

J. Kwan: Maybe the minister's problem is that he is looking at bogus surveys with inflated numbers that tell the minister how everything is just fine. Well, the urgent call for help continues. Let me quote....

Interjections.

Mr. Speaker: Order, please. The member for Vancouver–Mount Pleasant has the floor.

J. Kwan: The urgent call for help continues. Let me quote the e-mail: "We also have no more stretchers left to put anyone on. I also have nine other patients in the waiting room, four of whom are urgent, that still need to be seen — but again no place to put them and no stretchers to put them on. We don't even have any hallway space left."

Will the minister stop the spin, stop telling us what a good job this government is doing and just admit the truth expressed in this e-mail — that very sick patients are waiting without stretchers in hospital hallways in chaotic and completely unacceptable conditions?

Hon. C. Hansen: I'll be the first one to admit that there are still challenges that we have to address in the health care system. When we formed government three and a half years ago, I will tell you what the biggest challenge was in emergency rooms around this province: it was a shortage of nurses, because the previous government had done nothing to make sure we had an adequate number of emergency room trained nurses in British Columbia. We had 1,000 nurse vacancies around this province...

Interjections.

Mr. Speaker: Order, please.

Hon. C. Hansen: ...and now we've got that down to manageable levels. We have less and less overtime being worked by emergency room nurses in British Columbia, and we have been able to fill those positions around this province. That is why today there are still challenges. There are still the days that are unusually stressful, but it's one heck of a lot better than it was when they were in government.

Interjections.

Mr. Speaker: Order, please.

REVIEW OF CONSTITUENT'S CASE OF CHILDREN IN GOVERNMENT CARE

E. Brenzinger: My question is to the Minister of Children and Family Development or the Deputy Premier, concerning a female constituent. This is a constituent who, as a young woman, was exploited first by an abusive boyfriend and second by a government that

saw fit to take her three children away without providing her any counselling or legal advice. Her youngest child, who is now seven years old, is not even being raised by the legal guardian that was assigned by the ministry. As a result of not receiving counselling and legal advice from the government, she was unaware of her rights. Consequently, she is unaware of where her two oldest children now are.

My question is: will the minister review this file, assign a caseworker to the file and fully review this matter for my constituent?

Hon. L. Reid: I thank the member opposite for the information. If she wishes to provide it to me, we will certainly take it into consideration. Thank you very much for bringing it forward.

[1430]

U.S. TARIFF ON HOG EXPORTS

V. Roddick: My question today is to the Minister of Agriculture, Food and Fisheries. As reported, the U.S. Commerce department has decided to slap tariffs of up to 15 percent on Canadian hogs, claiming that Canada's hog producers are dumping the animals into the U.S. at below-market values. Considering the damage that the BSE and the avian flu crises have created for B.C. agricultural producers, this new and totally unwarranted tariff is just another burden that the B.C. agriculture industry doesn't need. We still have to eat to live.

To the minister: what effect will the U.S. tariff have on B.C.'s pork industry, and what can be done to deal with yet another attack on our province and our country?

Hon. J. van Dongen: I will say that the Canadian industry and our....

Interjections.

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

Hon. J. van Dongen: The Canadian industry and the federal and provincial governments are very disappointed at the U.S. Department of Commerce interim decision. The final decision will be made in March of 2005. They will have to prove not only dumping, but they will also have to prove injury to their market. Our producers have come through an extended period of depressed prices. This decision will have the impact of lower domestic and export prices for our B.C. producers. It will also mean that they will incur the legal costs of fighting this, what we believe to be an unsubstantiated action. British Columbia is taking a leadership role in pursuing review and reform of the anti-dumping and countervail provisions in the World Trade Agreement to try and prevent these kinds of unsubstantiated claims.

AUTISM SERVICES IN B.C.

J. Bray: My question is to the Minister of State for Early Childhood Development. Recently government

implemented changes to the provincial programs affecting children with autism. Some misinformation that's got out there from various groups has obviously drawn questions from parents in my riding. These are parents of autistic children who rely on these programs in the care and nurturing of their children.

Can the minister please explain why government chose to make the changes to the provincial programs affecting children with autism and how these changes affect the parents of these children?

Hon. L. Reid: I'm pleased to respond, because it is vitally important that the correct information ends up in the hands of families in British Columbia today.

I can tell you that we moved to a direct funding model for families who have children with autism. We have coupled that with an enhanced diagnostic program in British Columbia so that, indeed, more children had a diagnosis earlier on in their mandate. We wanted very much to ensure that that information was in the hands of families much, much earlier. That is the essence of a strong early childhood development focus.

Our support to families, hon. member, allows us to put in place direct funding. I can tell you that we have an under-six funding model in British Columbia today that puts in the hands of families approximately \$20,000 annually — \$1,667 a month. We have the over-six funding model that puts in the hands of families \$6,000 — \$500 monthly — to allow them to purchase services between 3 o'clock and 5 o'clock in the afternoon — vitally important.

We have also enhanced that level of programming by putting in place the opportunity for the government to be the direct payer of that service as opposed to having families become an employer. Indeed, the process is much more straightforward, much simpler for families to undertake, and frankly, I welcome the opportunity to continue to have this dialogue with families.

[End of question period.]

Petitions

J. MacPhail: I rise to present a petition signed by 13,104 individuals from across the province. The petitioners call on the government to halt the contracting out of the administration of Medical Services Plan and Pharmacare and to keep our personal medical information under public control. These petitioners here are joined by 38,599 additional individuals who have signed the petition on line for a total of more than 51,500 protesting the government's actions.

Motions without Notice

MEMBERSHIP CHANGES TO COMMITTEES

B. Penner: I seek leave to move a motion that the Hon. Brenda Locke, MLA, be substituted by Mr. Dave Hayer, MLA, as a member of the Select Standing Committee on Education and that the Hon. Patrick

Wong, MLA, be substituted by Mrs. Gillian Trumper, MLA, as a member of the Select Standing Committee on Crown Corporations; by Mr. John Nuraney, MLA, as a member of the Select Standing Committee on Public Accounts; and by Mr. Barry Penner, MLA, as a member of the Special Committee of Selection.

Leave granted.

Motion approved.

[1435]

Speaker's Statement

RELEASE OF AUDITOR GENERAL REPORT ON SALMON

Mr. Speaker: Hon. members, I would like to advise the House that tomorrow the auditor general of British Columbia will be releasing a report entitled *Salmon Forever: An Assessment of the Provincial Role in Sustaining Wild Salmon*. This report will be released simultaneously with the auditor general of Canada and the auditor general of New Brunswick. My office will release this report as soon as possible tomorrow.

Orders of the Day

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

Committee of the Whole House

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

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

The committee met at 2:38 p.m.

On section 1.

J. MacPhail: This is Bill 76, the Social Service Tax Amendment Act (No. 2), 2004, where the Finance minister last week announced that after raising the PST from 7 percent to 7.5 percent about three years ago, he's now lowering it back to where it was when he took over government — to 7 percent. Prior to his introducing this legislation, though, the Minister of Finance did table the first quarter report for this fiscal year, and I just want to go over some of those stats before I ask my question.

In the first quarter report it said that the first quarter report assumes that a Canadian dollar will trade at an average of 75.2 cents this year and 77.8 cents next year. It's trading at 81 cents (U.S.) today. I will just quote from an article that appeared over the weekend around this issue. It's from the *Times Colonist*, page B1 on Sunday, "Rising Loonie Closes Port Alice Mill," where it says: "Port Alice pulp mill was shut down and 330 employees laid off Friday due to a rising Canadian

dollar, a devastating blow to the North Island if the closure lasts."

[1440]

That's because of the rising Canadian dollar. Now, that's the management saying it's because of the rising Canadian dollar. The union is not joining them in this, but there is no push-back from anyone saying it is anything other than that. Of course, the reason I bring that up is because virtually 80 percent of British Columbia's exports are now with the United States.

Lumber prices. The Finance minister's February budget assumed lumber prices of \$300 per thousand board feet. The first quarter report changed that, and it reports that the 2-by-4s would be trading at \$395 per thousand board feet this year and \$325 per thousand board feet next year. Of course, we saw over the last six weeks that lumber prices have plummeted and that *Madison's*, which is the industry pricing newsletter for the forest sector, has pegged the benchmark thousand board feet of spruce-pine-fir 2-by-4s at \$318 (U.S.) last week and is predicting that the prices are going to fall further. That's their prediction.

We know from the Finance ministry's own document that for every \$50 change in the price of lumber, the government revenues are affected negatively or positively by \$75 million to \$125 million. A fall from the Finance forecast of \$395 to \$318 now for lumber is significant. That's significant and substantial revenue loss.

Retail sales. I went on line to B.C. Stats, the B.C. Stats *Infoline*, and the headline on the most recent report from B.C. Stats is on retail sales. After six months of growth, retail sales in British Columbia slipped 0.2 percent in August. Average weekly wages. Again, the reason why these are important is because fully 65 percent of the economy is driven by consumer demand in British Columbia. Retail sales are down. Average weekly wage rate, Statistics Canada, the same.... I know this government likes to rely on Statistics Canada. They're reporting that year over year, January to September showed a 0.4 percent decline in the average weekly wage rate. From January '03 to September '03, compared to January '04 to September '04 — the latest stats — the weekly wage rates declined 0.4 percent. We are the only province in the country to experience that decline.

The average hourly wage rate, according to the same Statistics Canada year-over-year report.... From January '03 to September '03, compared to January '04 to September '04, there was a 0.9 percent decline in the average hourly wage rate. Again, we're the only province in the country to experience that decline.

On the basis of that, I want to ask the minister, I guess.... Sorry, Mr. Chair. I'll ask the Attorney General, who is, I guess, substituting for the Minister of Finance. My first question is this. Based on that information, in September the first quarter report predicted a surplus for this budget of \$865 million. That's up from a \$100 million surplus forecast in the budget in February of this same year. The Finance minister announced, when he introduced this legislation, that this reduction in the

sales tax by 0.5 percent will mean that \$140 million less will be collected this fiscal year. He didn't announce any revision in his forecast, though. Does this now mean that the minister is forecasting a surplus of \$725 million? Or if that's not the case, what is the forecast in light of this decrease in revenue?

[1445]

Hon. G. Plant: I'm advised that the actual projected cost of the reduction in the general sales tax, which will be made effective because of this legislation, is \$120 million — not the \$140 million figure that the member just referred to. To the extent that the first quarter reports projected an \$865 million surplus for the current fiscal year, if the \$120 million figure proves true, then we have spent \$120 million of that \$865 million projected surplus.

J. MacPhail: What's the annualized tax expenditure of this reduction of sales tax?

Hon. G. Plant: The projection is \$270 million.

J. MacPhail: In deciding to change the sales tax back to what it was when this government took office, was there any revision of any other aspects of the forecast? I assume the Ministry of Finance must have done a new forecast based on making this huge expenditure.

Hon. G. Plant: I don't believe there's been any revision in the forecast. The occasion for revision upward and downward in forecasts is the publication of the quarterly reports. I think that's an answer to the question.

J. MacPhail: We can expect the next quarterly report in December — when?

Hon. G. Plant: I believe it is due in December, yes.

J. MacPhail: I hope it's more than "I believe," because I think it's the law.

Two and a half years ago the Minister of Finance justified his sales tax increase from 7 percent to 7.5 percent on the basis that the government had to pay for the doctors, the physicians' arbitration. That was \$600 million more that the government collected out of people's pockets to pay for doctors. Supposedly, it was for the doctors' wage increase.

Now we have the government, it just so happens during a by-election, spending hundreds of millions of dollars, yet what's happening to physicians' salary or wage increases across the country? Well, ten days ago doctors in Ontario won a 24 percent wage increase. The head of the BCMA, British Columbia Medical Association, Dr. Jack Burak, was in the media immediately suggesting that that's where his membership is heading when negotiations start next October. That would be the starting point for negotiations: a 24 percent wage increase. Doctors in Ontario make more than British Columbia doctors now.

My question on that is: what plans does the Minister of Finance have to ensure that the province will be able to afford to pay any increase in doctors' salaries without raising this or some other tax?

Hon. G. Plant: The Finance minister made a decision based on his assessment of the financial situation of the province, taking into account all of the circumstances that were disclosed in the first quarterly report. His view was that the rationale for the imposition or the incremental addition of the half percent in sales tax a couple of years ago had been transformed with the passage of time. The province is in much better financial circumstances. He had always expressed his reluctance about the imposition or the increase in the sales tax and viewed it as a priority that, in the event that we were in a position as a government to make tax decisions returning to the people of British Columbia some of the money that they earn and provide to government, it was a priority initiative for him.

Accordingly, he brought it into the House. I note that he brought it into the House while the Legislature is sitting, and therefore we have a chance to debate it. Members will have the opportunity to express their views on whether or not this is a good fiscal measure as we proceed to vote on the sections of the bill.

[1450]

The main rationale, I think, for the change now is the Finance minister's assessment of the state of the economy overall and the state of public sector expenditures and revenues and his view that with the projection now of very, very significant surpluses over the next few years, it was time to give back to British Columbians some of the money that we asked them to provide to us a couple of years ago.

J. MacPhail: Let's be clear. The New Democrat opposition was never in favour of this government jacking up the provincial sales tax in the first place. We didn't feel there was any necessity for it whatsoever.

Let's just look at who pays more provincial tax, who has made the sacrifice over and above the consumption tax increases. This is from the government's own Budget 2004 documents. These people are paying more provincial tax. A two-income family of four earning \$60,000 pays \$128 more in income tax this year, a senior couple with a pension income of \$30,000 family income pays \$128 more in income tax, and a two-income family of four earning \$30,000 pays \$435 more in income tax as a result of this budget. Now, who is paying less this year? Well, an unattached individual earning \$25,000 pays \$8 less in income tax. A two-income family of four earning \$90,000 pays \$154 less in income tax. The unattached individual with no children earning \$80,000 pays \$221 less in income tax.

I'm quite surprised that this great announcement of taking \$120 million out of the surplus was not done with any analysis that perhaps there was a way of sharing the wealth a little bit more in terms of this, although this was a very regressive tax and hurt low-income people as well. I'm only bringing these statistics

to the attention of the government for their forecasting, because this expenditure of forgone revenue will wend its way through this budget and the next budget. Some of the premises upon which this current surplus is forecast have already been diminished with a higher U.S. dollar, lower lumber prices, some lower commodity prices and lower average wages, lower disposable income.

Of course, Mr. Chair, all I'm doing is saying that in order to prove that this is not an election ploy for the by-election.... Boy, a government that has to spend 120 million bucks to win a by-election is desperate, if you ask me. But this has implications for much else in the budget forecast, and I just note these so that the Finance minister knows that others are watching as he moves forward in terms of his budget forecast that he will bring forward for the second quarter report in December.

Hon. G. Plant: Well, I can't resist pointing out that only an NDP member, and a former NDP Finance minister at that, would regard the \$120 million that is being returned to British Columbians here as an expenditure of government. It's the attitude that I saw manifested day after day when she was the Finance minister when her party was in power. They treated the people's money as though it were theirs and certainly did very little in the five years I was here in opposition to ever return any of it to the people.

I am confident that the Finance minister did the analysis that needs to be done to determine that this was a prudent and appropriate measure to reduce the tax burden, particularly the consumption tax burden, on British Columbians. I'm confident that when the member has the opportunity to.... In fact, my understanding is that the member has already expressed her opinion on this subject, because I don't think there was anyone who voted against this in second reading. I may be wrong. I wasn't here that day, but I haven't seen any record that anyone opposed this initiative in second reading.

[1455]

It's good to ask questions about budget assumptions and so on, but at the end of the day, the question is: do we think that it's appropriate to return these dollars to the hands of British Columbians at a time when all of the forecasting done by government suggests that we are in line for some very, very significant surpluses, not just this year but over the next couple of years? I, for one, think it is appropriate that we reduce this consumption tax by the half a percent that is proposed in this bill.

J. MacPhail: Let's be very clear. The NDP opposed the raising of this tax by half a percent. That's what we opposed. Who in their right mind, after knowing that the government shouldn't have raised that tax, would now oppose them returning to what it was when this Liberal government assumed office?

Sections 1 to 3 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 2:56 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

Bill 76, Social Service Tax Amendment Act (No. 2), 2004, reported complete without amendment, read a third time and passed.

Hon. G. Plant: I call committee stage debate of Bill 71.

Committee of the Whole House

SAFE STREETS ACT

The House in Committee of the Whole (Section B) on Bill 71; J. Weisbeck in the chair.

The committee met at 2:59 p.m.

On section 1.

J. Kwan: This is a very thin bill — it is only three pages long — especially given all the bluster we've heard from the government on it. It has exactly one definition, two sections of any substance, one consequential amendment and the commencement part relating to the bill.

[1500]

Let me ask the Attorney General the question around solicitation under section 1. How does this definition of solicitation compare to other uses in criminal laws?

Hon. G. Plant: Well, this is a stand-alone definition. It's one of, I guess, four definitions in the bill, and it's written for the purpose of capturing the public policy intention of this legislation.

There are provisions in the Criminal Code that deal with the offence of solicitation. I don't know whether those provisions define the word "solicitation." Certainly, if there is not a statutory definition of solicitation in the Criminal Code, then there would be lots of common law interpreting it. But in this case, we've created a definition which is intended to serve the purposes of this act, which are not criminal but rather relate to the province's ability to do things such as regulate passage on the streets.

J. Kwan: In the definition it defines "solicit" as follows: "...means to communicate, in person, using the

spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return."

When the government put in the words "another thing of value," what are they envisioning?

Hon. G. Plant: In addition to asking for money, solicitation might involve asking for a cup of coffee or a sandwich or some other matter like that.

J. Kwan: For example, then, begging for food would be deemed to be another thing of value in this context, under this definition.

Are there issues relating to this definition of solicit in federal laws around solicitation on the issue around prostitution?

Hon. G. Plant: Not that I'm aware of. As I say, this is a stand-alone definition intended to be used for the purpose of elaborating the meaning of the word "solicit", which is then used as one of the essential ingredients in explaining and defining the offences in sections 2 and 3 of the act.

Section 1 approved.

On section 2.

J. Kwan: Sections 2 and 3 are the substantive parts of the bill. As I said, there are really only three sections to the bill — well, five sections, I should say, because there is the "Commencement" section and then the "Consequential Amendment" under section 4.

Section 2 sets out the offence of soliciting in an aggressive manner. Does the minister agree that there are existing laws that already cover this nature of behaviour?

Hon. G. Plant: There are no provincial laws which encompass the behaviour described in or sanctioned by section 2 of the Safe Streets Act.

J. Kwan: When I say existing laws.... There are other laws, though, that do exist. Is the minister aware of that? If so, what laws is he aware of?

Hon. G. Plant: The Criminal Code prescribes certain kinds of behaviour, including assault and assault causing bodily harm, and I know that there are municipal anti-panhandling bylaws in a number of cities and towns in British Columbia. Of course, those don't apply across the province as a whole, and this bill will have provincewide application.

[1505]

J. Kwan: The Criminal Code applies across the province — not just across the province but across the country, I would say. Then, of course, there are municipal laws that deal with these. There are existing laws that deal with these issues and the nature of this kind of behaviour.

Perhaps the minister could tell me: what does the Attorney General feel is gained by specifically naming panhandlers, beggars and other street people in this separate act on the issue around this?

Hon. G. Plant: This act doesn't name anybody. It prescribes certain activities. It does not care who is performing the activities. But if you solicit in an aggressive manner.... This section explains what that means. For example, if you solicit by obstructing the path of the person that you're asking for money from; by using abusive language; by proceeding behind, alongside or ahead of the person you want money from; by approaching as a member of a group of two or more other persons; or by continuing to solicit — all of those things can form the beginning of the basis of this provincial offence, provided, of course, that they are carried out in a manner that would cause a reasonable person to be concerned for the solicited person's safety or security. That seems to me to be the essence of what sections 2(1) and (2) are about.

As I say, the bill is scrupulously neutral as to who is conducting the solicitation. It focuses on activities, not on economic status or other forms of status.

J. Kwan: Well, we've also heard, though, from a variety of people — including the members in this House and including a particular member who wishes to try to gain, I suppose, notoriety at the expense of the people who are targeted in this bill through a variety of actions and stunts, one might say. We know that's taking place. In fact, groups of people have been named by various politicians from the government's side, particularly in relation to this bill.

We know this bill targets panhandlers. We know this bill targets beggars. For example, under section 1, which we just talked about, the other "thing of value".... I was asking the Attorney General: what is the other "thing of value"? The Attorney General responded: "Food or drinks." So we know that it targets people who are begging for food, for example. We know that it targets panhandlers who might be begging for spare change, for example.

We have a separate bill that deals with these issues. The government felt that it was necessary to have this before us. We have other significant crime and safety issues, but the government felt that it was important that it target beggars, panhandlers and other street people in a separate act. That's what we're debating today under this bill.

I was asking the Attorney General about what other laws exist that might deal with these issues, and the Attorney General named the Criminal Code and a variety of municipal acts. What flaw did the Attorney General see in the existing laws on harassment, intimidation and threats that he felt did not answer the concerns the government sees — and therefore, this bill is now required?

Hon. G. Plant: Well, first of all, the member seems to think that it's only possible for government to pur-

sue one aspect of problems with safety at a time. In fact, this is a government that is doing many things to help keep our communities safer, including everything from a newly announced task force to respond to Indo-Canadian gang violence that the Solicitor General talked about just within the last day or so. A whole range of initiatives are underway that are frankly too numerous to mention. If that is the place this member wants to take this debate, then I'm sure we'll have the opportunity to explore those over the course of the afternoon.

[1510]

The fact is that this is but one tool, and it is one tool to use in response to an admittedly complex problem. The fact that the problem is complex should not paralyze government into inaction, and it has not paralyzed government.

We are responding to the challenge of street behaviour in a number of different ways, including the recently announced mayors' task force that's looking at things around homelessness and causes of homelessness. There is also the street crime working group, which looks at the relationship between certain forms of street-level criminal activity and some of the social and medical causes of that behaviour. Of course, we have committed to put 100 percent of all traffic fine revenue collected in the province back into the hands of communities, which I hope and, frankly, expect the communities will use to meet the law enforcement priorities that they have in their communities.

There are a range of things being done here, but in that range, within that complex array of policy responses, one tool that we think will be useful and helpful is this piece of legislation. This piece of legislation is not criminal law; it does something different than the criminal law. It is different from municipal bylaws in the very simple fact that it applies across the province as a whole, so there is one standard set of rules that apply to activity on the streets, whether it's activity in Dawson Creek or activity in the Cowichan Valley or activity in downtown Vancouver. I think it reaches out and touches in an appropriate way some kinds of behaviour that are offensive irrespective of who is conducting them.

This bill does not prohibit begging. It does not prohibit panhandling. It prohibits, particularly in this section, aggressive panhandling. It prohibits abusive, belligerent panhandling. It prohibits gang panhandling. It prohibits somebody who has asked once and been turned down from harassing and following and besetting that person, from continuing to do so — not just in a way that might cause one individual to be concerned about their safety but, rather, in a way that meets the test in the section, which is that it would cause a reasonable person to be concerned for their safety or security. That is something that is missing from the law.

What we're doing here is not actually part of the law of British Columbia, and therefore, it is filling a space that has been empty. I think it is a space that has caused concern. We know that over 80 percent of the mayors and councillors of the towns of British Colum-

bia went to the UBCM and made it a priority to speak loudly and persuasively so that government would hear their voice saying that they wanted this additional tool to be part of the tools of law enforcement and regulation.

I know that members representing communities from around the province have, like me, heard concerns from business groups, from community groups, even from individuals, saying that it's time we took a step to make sure that our streets are places where we can feel safe and secure. One aspect of that, one step forward in helping us achieve that goal, would be a piece of legislation that prohibits certain behaviour that I, frankly, believe most citizens think would be offensive.

I will say this, Mr. Chair. We will see how people vote on this. It seems to me that the only answer to this section, the only answer I've ever heard over the last month or so, is a debate about something else. It's a debate about homelessness, or it's a debate about poverty. Those are important debates, but they are not what this bill is about. We're dealing with those issues, and we can debate the adequacy of government's response to those issues.

[1515]

I guess the question that we will see an answer to at some point this afternoon is: what do members of the assembly believe should be the rules around how you ask for money — how you beg, how you panhandle, how you cajole, how you try and get help on the streets? What this section says — the section we're looking at, Mr. Chair — is that you can't block somebody's path when you're panhandling. It doesn't say you can't panhandle. It says you can't block somebody's path. It says you can't use abusive language. It says you can't follow or beset them. You can't approach them as a member of two or more other persons, and you can't continue to solicit after you've been told no. You have to do all of that in a way that would meet the test of a reasonable person.

That's the heart and soul of this. The other issues are, I think, largely different issues, but I look forward to continued debate.

J. Kwan: It is interesting to note that the Attorney General says that the debate about homelessness is not what this bill is about. It is very interesting to get those words on record, and that's the quote from the Attorney General just moments ago.

We know that the issue around, I think, the desperation of individuals on the streets is very much about government policies that impact people's lives. We know that the homelessness issue has been contributed to by this government with their cut to — the elimination of, I should say, more accurately — affordable housing initiatives targeting people who need safe and affordable housing.

We know that the government, when they first came into office, before they did anything.... One of the first acts, aside from giving their tax breaks to the big corporations and the high-income earners, is that they

actually froze about 1,000 units of affordable housing. We know that significantly, the dollars targeted towards the construction of affordable housing were taken away from those initiatives and put towards assisted living, which was formerly funded under the Ministry of Health.

It is interesting to note.... I have a whole long list, as well, of projects or initiatives that the government eliminated, which I think contributed to the situation in our streets, contributed to many people's desperation on the streets. I don't want to rehash my words and, certainly, those of my colleague from Vancouver-Hastings or our party's position on the question around whether or not we want safe streets. Every single British Columbian, I believe — I would say without hesitation — wants safer streets. Make no mistake about that. I think that there are many contributing factors to working towards and creating safer streets and safer neighbourhoods.

There are issues with respect to programs that have been eliminated and the social safety net that has been weakened by this government. Those things contribute to unsafe streets. We see this, and I certainly see this in my community.

Interjection.

J. Kwan: I have the member for Vancouver-Burrard, who is the media hound on this issue, going around and heckling me, saying: "You don't think that aggression is an issue."

Interjection.

The Chair: Order, please. Order, please.

J. Kwan: Let me just quote not my words but someone else's words on this issue — Mayor Alan Lowe, one of a handful of B.C. municipal leaders with significant downtown problems that need to be addressed: "I have been an advocate saying I do not believe we need the Safe Streets Act. We have the Criminal Code to deal with aggressive panhandlers." This is a direct quote, Mr. Chair.

L. Mayencourt: So you'd rather criminalize panhandling.

J. Kwan: The member for Vancouver-Burrard continues to heckle me and says: "But you'd rather criminalize panhandlers." What on earth does this MLA think that this government is doing with this bill?

[1520]

Instead of actually coming forward with solutions to deal with people who are desperate on the streets, to assist them, to work with municipal leaders such as Alan Lowe, who has great issues and who actually went on record to say that he does not believe we need the Safe Streets Act.... Instead of working towards that, you have the MLA trying to pull media stunts by going into the downtown east side and playing tourist for

one week, as though somehow, all of a sudden, he understands what the issues are around poverty and homelessness.

Interjections.

The Chair: Order, please. Order.

J. Kwan: Give me a break. The folks down in our community are saying that it's nothing but a media stunt. This government is trying to attack people in an unprecedented way.

And not only that. Let me further quote on record an article that was written in the *Times Colonist* on October 6: "Displaced beggars need a place to go...." It's a long article. Let me just take a part of it from this news article:

"But there are laws already — assault and harassment come easily to mind — to deal with the most objectionable characters that make people uneasy: squeegee kids who kick in the door of a car when the driver won't pay them to smear their windshield, panhandlers who spit in the faces of passers-by without a dime or a fiver to spare, or those growling threats at nervous seniors from darkened doorways."

It's another source that actually says there are already laws in place to deal with these issues.

Of course, I might note this act actually doesn't deal with what the penalties are if you commit an offence under this act. At least the Criminal Code does. At least the city bylaws provide that information.

Then you have the police from Victoria saying: "What's the point of writing a ticket to someone who has no money? Anthony, who patrols downtown Victoria on a regular basis, says concerns about aggressive panhandling, at least in Victoria, are overblown. "To tell you the truth, I get very few calls about aggressive panhandling," he said.

I will tell you that I was at UBCM in Kelowna. I listened to some of the debates of the municipal leaders. You know what? People raised the issue of government cutting a variety of programs that would help assist in minimizing the problems that they have in their communities around homelessness, around the victims assistance program, around street youth programs, around legal aid services, around Crown prosecutors, around women's centres. You know what, Mr. Chair? Those motions were passed by the UBCM delegates overwhelmingly.

What has the government done in addressing those issues? Zippo. Nothing. If they valued the municipal leaders' words, maybe they would have taken action in addressing those issues as well.

A lot of the speakers who spoke to this motion.... Yes, they supported it, but they were saying: at a time when they don't have other options from this government, when there is significant downloading of the problems on the local governments, what are they to do? And yes, local governments are desperate because of the off-loading from this government in terms of the programs.

We know that existing laws do apply — the Criminal Code and various municipal laws. We know the

aggressive behaviour that this government likes to say this bill targets is already covered under other laws. We know that those kinds of aggressive behaviour are already an offence under the Criminal Code.

We know that this bill will target panhandlers and beggars, but we also know that those individuals — they themselves — are often the target of abusive language and actions. We know that those who are marginalized often face significant abuse on the streets.

[1525]

I'd like to ask the Attorney General: when he says they're a government that addresses a whole array of crime and safety issues.... They say it, notwithstanding that it was this government that actually took out community policing support. Notwithstanding that, I'd like to ask this minister this question: is the Attorney General planning on bringing new laws, a new bill perhaps, to address the issue of aggressive or abusive behaviour or words against the homeless on the streets?

Hon. G. Plant: You know, I think when the member gets up in the morning, the first thing she probably does is get down on her knees and say: "Oh, Lord, grant me another day where I may avoid tripping over my hypocrisy." Unfortunately, this is one of those prayers that never gets answered. She made some allegation about freezing projects or something that she claims this government did in the first days of its mandate. Actually, I was here in the summer of 1996, a newly elected MLA. The member opposite was elected, I think, for the first time and was elected as a member of government. The very first thing — not just the second thing or the third thing but the very first thing — her government did was to freeze every single capital project underway in British Columbia.

So you know, I mean, it must be a wonderful thing to do to be able to constantly just wash your mind of your own record, because in order for the member to get indignant about anything, she has to do that. The very first thing they did was stop every capital spending project in the entire province. Now, a cynic might have said that the reason they did that was because they wanted the joy of multiple reannouncements to follow in years after that. Sadly, a cynic might ask: "Well, did they actually ever do some of those things that they announced four or five times?" I lost track of the number of times that there were announcements made by the former government of things that never, ever happened. In fact, I will always remember Corky Evans's statement to the effect that the NDP ought to apologize to the British Columbia public because they did promise things that they had no intention of doing. So that's the record.

What's the record on our side of the House? Well, we spend \$154 million a year on social housing. That's the most that any government has ever spent in the history of British Columbia. That's progress. It may be something that we need to continue to look at, but it seems to me that if we're going to have a debate about social housing, you ought to have it on the basis of the facts as they are, and those are the facts.

Mr. Chair, the member talked about the absence of any express penalty regime in this bill, and I'm certainly willing to pursue that issue in greater detail if the member is interested. As the member well knows — or ought to know, because she has been in government — it's not necessary for there to be any express provisions with respect to penalties in this bill because of the operation of the Offence Act and other regulations in government which allow us to bring this into effect and bring particular enforcement regimes into effect without the need for a provision in this bill.

I can readily understand why, for the first hour or so after the introduction of the debate, people who didn't know that that's the way legislation operates in British Columbia might be forgiven, certainly, for raising the issue. But for the member to continue to pursue it when she knows full well that there is no substance whatsoever to that argument strikes me as being someone who is a little hard up for good reasons to complain about this legislation, so she's going to continue to rely on some bad reasons.

Finally, the member asked whether there is anything in this bill that deals with the idea of aggressive behaviour directed against homeless people. Well, as I've said, and I'll say it again, this bill makes no distinction between the homeless and those who have homes. It makes no distinction between those who are tall and those who are short. It regulates and prohibits and says is wrong some activity. It's an offence to demand things. It would be an offence under this bill to aggressively panhandle a homeless person. That's the protection that the law affords. It is the equal protection of the law. That is something that I think the law should do. Of course, if a homeless person were to be the victim of an assault or a criminal act, then I would expect that a homeless person would get the benefit of the law and that the matter would be investigated by the police, and if a crime had been committed, then there would be an information sworn, and proceedings would take place.

[1530]

So in fact, when it comes to criminal behaviour, the law protects those who are without homes as well as it protects those who have homes, and this bill does not discriminate on the basis of whether you have a home or not. What it does say is that it's not possible and not permitted to panhandle in a manner that is proscribed under section 2.

J. Kwan: It is interesting to note.... You know, this minister likes to call me hypocritical on issues. But you know what? Maybe the minister would like to check his facts. Maybe he would actually like to tell the truth to British Columbians on what actually happened with this government, what this government campaigned on during their new-era campaign and what they actually implemented over the last three and a half years.

This government and this Attorney General like to get up and brag about their record on housing. I'd be prepared to stand up to this government any day on our housing record versus this government's housing record — any day.

Interjection.

J. Kwan: The MLA for Vancouver-Burrard is heckling me that I'll have my chance in May. You bet I'll have my chance in May, and so will he. What he doesn't understand is that he has failed to advocate...

Interjection.

The Chair: Order, please, member.

J. Kwan: ...for his people in his community. What he has failed to understand is that he was one of the MLAs that went out there and trumpeted the government's cut and the elimination of 1,000 units of affordable housing — newly constructed projects that were slated and budgeted for under the previous administration.

I am proud of the NDP record on housing, let me tell you, Mr. Chair. Since the federal government left the national program on affordable housing in 1993, British Columbia was one of two provinces continuing to build new affordable housing in programs for people in B.C.

Under this government since 2001, since the last election, you may ask the question: are there any new affordable housing programs, new construction initiatives for British Columbians? The answer would be no. The ones that the government is announcing, which they claim the previous government liked to re-announce, were the projects that were committed under the previous administration.

They have only just come to completion, because projects, as you know, take more than one day to build. Sometimes it takes several years. It is this administration that cancelled over 1,000 units of affordable housing, and it is not a coincidence that relates to this bill on issues around people who are desperate on the streets.

Last winter, the GVRD did a study on homelessness. Wouldn't you know it? It just so happens to coincide. The information they discovered was that the homeless people in our communities in the lower mainland had actually increased by about 1,200. It just so happens to coincide with the number of units that were lost through affordable housing programs, the new affordable housing units to be constructed in the province.

Is that a coincidence? Maybe. You know what? Let us be clear. Housing is not the only promise the government had reneged on. Not only have they cancelled key initiatives in constructing and building new affordable housing programs, they have cancelled others as well. The Kettle Friendship centre....

The Chair: Member, take your seat, please. We have to get back to this bill, on section 2. You're obviously straying a lot from the content of this bill. I would ask you, please, to get back to ask questions on section 2 of Bill 71.

J. Kwan: Thank you, hon. Chair. I'm trying to set the context of the people that are desperate on the

streets as it relates to this section of the bill that targets the people....

The Chair: Member, member, please take your seat. I think you've made your point. As I said, let's get back to the content of the bill, section 2.

[1535]

J. Kwan: Thank you, Mr. Chair, as always, for being extremely helpful with debate, and thank you for your advice.

The context I'm setting out for the Attorney General, on which he challenged me to respond in my questions to him.... I am much obliged to do exactly that — with that challenge, with the Attorney General's answer to my question on targeting people, on bringing in a piece of legislation that actually does not, in my view, provide solutions to trying to deal with issues our community members are faced with.

When you have no access for programs such as the Picasso Café, which funds youths, homeless youths....

Interjection.

The Chair: Member, please. Member for Vancouver-Burrard, the member for Vancouver-Mount Pleasant has the floor.

J. Kwan: Thank you, hon. Chair.

What nonsense has just been spouted out by the member for Vancouver-Burrard. It was this government that cancelled the funding for Picasso Café, not the previous administration. What complete nonsense. If he actually looks at the facts and reads them and understands them, maybe he will actually contribute to the debate.

He says that the previous administration tried to close it four times. The reality is that the previous administration didn't, and I was one that advocated for the continuation of support for the café. And what did this MLA do? Did he go out to advocate for the Picasso Café? No. This government has shut down Picasso Café, a proven project that helps out youth — homeless youth and at-risk youth — with employment initiatives.

That project, which this Liberal MLA did nothing to try to save, was actually started not by the NDP administration but under the Social Credit government 15 years ago. This Liberal government cancelled their funding.

Have you seen the issues around youth at risk that are now being targeted by this act? Mr. Chair, it is unbelievable that this MLA just sits there. He can go into the downtown east side and go into communities and do his little media stunts, but when it comes to reality and doing real work and rolling up your sleeves, to actually say: "I am going to be fighting for the funding for those projects...." He has actually done nothing to actually help.

Interjection.

The Chair: Member, please take your seat for a second. Let's keep the debate between the minister and the member for Vancouver-Mount Pleasant.

J. Kwan: That would be useful and helpful. If the member for Vancouver-Burrard wants to be useful and helpful and constructive for a change, he might actually provide factual information for debate instead of sitting on the sidelines and heckling and actually rolling up his sleeves to do real work to address the concerns — particularly advocating for the funding cuts that this government has forced on communities, creating even more desperate situations.

There was a report last week in the *Victoria Times Colonist* about a homeless man that was stabbed on Sunday. As my colleague from Vancouver-Hastings and I have pointed out, our streets are often the least safe for our poorest homeless citizens. The Attorney General says: "Oh, but this bill will provide protection for everyone." "It does not discriminate," he says.

Yet we know that with this bill, the people who are perhaps most marginalized and who are most vulnerable and most desperate will face tremendous challenges in addressing their issues. Yeah, it is my community in the downtown east side where we just have had more information about eight more women that are missing in the downtown east side, adding to the total. It's close to 70 so far.

I know people will say there are laws that deal with that, and there are. There is an investigation ongoing into these issues, but it took some time to really have people focus on the issues and the situation we have in the downtown east side community. Yet we're still calling for a public inquiry into the matter, and the government has refused.

I'd like to ask the Attorney General this question: what advice did the Attorney General have about the constitutionality of the provisions in this section of the bill?

[1540]

Hon. G. Plant: My view is that the section we have before us, section 2 of the Safe Streets Act, is within the constitutional authority of the province and does not violate any constitutional principles, including, for example, the rights and freedoms guaranteed under the Charter.

J. Kwan: So is it the opinion of this Attorney General that this bill will actually be constitutionally upheld in the courts?

Hon. G. Plant: Yes. If the bill is challenged, my view is that the bill will withstand challenge.

J. Kwan: Well, we will see. We will see whether or not this bill will actually stand up to the constitutionality provisions we have in this country. I, myself, do not believe that it will. I think it is likely that this bill will be challenged.

The minister says that this bill targets aggressive behaviour. Aggressive behaviour includes "threatening the person solicited with physical harm, by word, gesture or other means." What are "other means"?

Hon. G. Plant: The words "or other means" at the end of section 2(1) are intended to encompass the pos-

sibility that there may be other ways in which someone might be threatened, other than by word or gesture. Rather than constrain the statute, we thought we should provide a sort of general definition. The principal concept there is that there has to be a threat. There has to be a threat of the person being associated with physical harm. There are many ways, I suppose, that you could make a threat. If the word "word" and the word "gesture" do not encompass all of those, then the last three words in the bill should encompass them.

J. Kwan: The bill does not talk about penalty. There's nothing that deals with the issue around penalties. What is the penalty applied to someone who commits an offence under this act?

Hon. G. Plant: It's the same as in the Trespass Act. If no other regulation is passed, then there's a section of the Offence Act, which I think is section 4, that says that in proceedings by way of information, the maximum fine would be \$2,000, or a maximum term of imprisonment of six months, or both. That is a default that would operate if no other action were taken. It's also open to government to enact regulations under something called, I think, the Violation Ticket Administration and Fines Regulation. That could provide for the enforcement by means of ticketing. Through that mechanism, different fine levels could be established. All that's required in order to make that happen is a regulation. There does not need to be any change to the statute.

J. Kwan: When the bill was first introduced, the Attorney General was in the hallways responding to media inquiries about this bill, and he said that the government would be bringing in regulations. Is he now saying that the government may not be bringing in regulations? What is the intention of the government with respect to that — let the penalty component of it be defaulted to the Offence Act, or are we anticipating regulations? If so, when can we expect those kinds of regulations?

[1545]

Hon. G. Plant: What I think I said in the hallway on the day the bill was introduced, and what I will certainly say here now, is that my intention is to consult with the UBCM, with the Safe Streets Coalition and with law enforcement authorities and to receive the views of others, including members of the public who may have an opinion on the subject of enforcement. I want to hear the views of at least those three groups about what they think the best mechanism for enforcement is. Then we will make a decision about how we want to proceed. I don't imagine that this will be a very lengthy or extensive process. We may well have a decision on that and may even have regulations in place by the end of the calendar year.

J. Kwan: I'd like to put this on record, and I'd like to receive the minister's response to it. This is a letter from

the Lookout Emergency Aid Society dated October 5, 2004, addressed to the Attorney General. Let me just quote part of it. It talks about what Lookout does generally, and then it goes on to talk about the issue around the Safe Streets Act.

"Since the calendar year 2000, Lookout has seen a dramatic 174 percent increase in the number of turn-aways. We believe this is in direct correlation with the downsizing of various services and resources and has contributed to the desperation that people on the streets are feeling. Not infrequently we have situations where individuals come into our shelters ineligible for EI, ineligible for BC Benefits, and yet are unable to either gain employment, or in other instances they have major difficulties to maintain employment. This situation has resulted in greater poverty and increased panhandling.

"While we acknowledge that amongst any group of people there are individuals whose behaviour is unacceptable — threats, theft, etc. — the majority of the homeless are people who are simply trying to cope."

Then it goes on to say: "We believe the police have the authority to deal with unacceptable behaviour." It goes on to urge the government to not move forward with this bill. It's signed by Karen O'Shannacery, the executive director — someone who actually is in the downtown east side every single day, unlike the member for Vancouver-Burrard, who goes down there and plays tourist for one week and claims that he knows all the problems and challenges and the solutions. This is from the Lookout Emergency Aid Society, who actually has put this letter to the minister with respect to their concerns, Mr. Chair, and I'd like to hear the minister's response to that.

Hon. G. Plant: Well, I received the letter. I thought it made a good case for continued government action on a number of social policy fronts. In fact, what we have before us is a provision of a bill that says that it doesn't matter whether you're poor or rich; you can't beg for money in circumstances where you cause somebody to be afraid for their safety or security. The member and I obviously have a difference of opinion about whether or not that is a legitimate public policy objective. I do think that it shouldn't matter what your circumstances are.

The law — and it's pretty fundamental law — will allow you to stand on the street and ask for money, but it shouldn't allow you to harass people. It shouldn't allow you to get together in gangs to demand money. It shouldn't allow you to follow after people for money. In fact, there is no provincial legislation in place to deal with that behaviour. This will remedy a gap. It not only operates differently from the Criminal Code in general terms, but the activity which is proscribed by this section is defined much more precisely than you will find in the Criminal Code. That's in order to give people a pretty good sense of what it is that we think should be prohibited and what should not be.

I certainly respect the views of the folks from Lookout. I know that they're powerful advocates for the social and economic conditions of people who live disadvantaged lives, and we will continue to do what we

can as government to work on those matters, but they're actually not what's before us here in this bill, with respect, Mr. Chair.

[1550]

J. Kwan: The minister already has a copy because the letter was sent to the minister on October 5, 2004, and it was copied to others. In the letter, yes, it raises the issues in terms of cuts in services. For example, just to name a few, some of the cuts that the government has made since they've taken office: cuts to the Kettle Friendship Society, the community services fund, PACE2 and the Kiwassa Employment and Assistance Centre, the Multicultural Family Centre, the Picasso Café, which I raised on the record....

The Chair: Member, take a seat, please. We're once again getting off track for the bill. Let's get back and maintain your questioning to section 2 of Bill 71. Thank you.

J. Kwan: Well, those are some of the examples of cuts that Karen O'Shannacery has raised in her letter in terms of government resource funding and in terms of government cuts. They do relate, because I don't think that we can look at this issue of panhandlers, beggars on the streets, for example, which this bill does target.... I suppose the minister can continue to pretend that it doesn't target this group of people, but this bill does target them. You know what? I have a substantive number of these folks in my riding. The member for Vancouver-Burrard says that my riding is the worst neighbourhood in Canada.

L. Mayencourt: I've never said that. I have never said that, Jenny, and you know I haven't.

J. Kwan: I challenge that insult. It was on CKNW, Mr. Chair.

L. Mayencourt: I have never said it.

J. Kwan: It's on record. So I think it's insulting for these kinds...

L. Mayencourt: You're insulting.

J. Kwan: ...of comments to be made about my neighbourhood and about the riding that I represent.

The Chair: Member, take your seat, please. Member for Vancouver-Burrard, please refrain from getting involved with this debate. I appreciate it. The member for Vancouver-Mount Pleasant.

J. Kwan: Thank you. I would certainly concur with that advice — that he should refrain from this debate. The member for Vancouver-Burrard certainly has nothing constructive to add to the debate.

The Chair: Member, maybe I should suggest to you as well to not egg him on. Please focus on the bill.

We're on section 2. Focus on the bill, and focus your comments on the bill rather than members of the House.

J. Kwan: I was just agreeing with your comments.

Karen O'Shannacery has written to the minister about the Safe Streets Act. She says directly in her letter that this situation that the government has put forward, that is the situation of eliminating critical services and resources — downsizing, to use her words exactly — of various services and resources.... I was naming some of them on the record that she says have resulted in greater poverty and increased panhandling, which this bill targets.

She also said that they believe that the police have the authority to deal with unacceptable behaviour through charging people through the Criminal Code and through the municipal bylaw. She raises two issues in terms of the problem that has been escalated by this government's actions, by their elimination of critical programs that would support communities and individuals. She also says that we have laws in place. Yes, she is urging the government to take action in reinstating programs that would help individuals who need the support.

This section of the bill says that a person commits an offence if the person engages in a manner that would cause a reasonable person to be concerned for the solicited person's safety or security in one or more one of the following activities during the solicitation or after the solicited person responds or fails to respond to the solicitation. It goes on to say, "obstructing the path of the solicited person," "using abusive language" and so on.

Let me ask this question. If under section 2(2)(a) — "obstructing the path of the solicited person...." Let's say, for example, a panhandler or a beggar who is begging for food is standing in front of someone, and the person refuses to give or ignores or whatever, and the person is still standing there, would that be deemed to be obstructing the path?

[1555]

Hon. G. Plant: If you stand in somebody's way when they're walking towards you and you do the other things that are part of the offence and you do so in a way that would cause a reasonable person in the position of a pedestrian to be concerned for their safety or security, that would constitute an offence.

J. Kwan: Well, let me just say this. I'd like to close with these remarks about this section of the bill. According to the Attorney General, this section of the bill targets aggressive behaviour when someone is soliciting. I've put on record concerns that this government has failed to address. I've put on record an example of someone else who has, on behalf of her society, raised her concern that this government had failed to address, particularly around providing the kinds of supports that are necessary — the kinds of supports to the indi-

viduals and to the organizations that are providing these services to individuals.

In fact, if anything, this government has only made the situation worse by cutting programs and cutting the resources. PEERS, another initiative — Prostitutes Empowerment, Education and Resource Society in Victoria — had their funding cut, for example. The WISH Drop-in Centre, which would actually address some of the issues of people begging for food — drop-in centres often provide food and support to people — this government saw fit to cut. This government cut the Studio program for at-risk youth — again, 17 years of service from the Studio that this government cut. It wasn't a program started by the previous administration, under the NDP; it was started by the Socred government and supported through different administrations but cut by the Liberal government.

Legal aid cuts raise another issue. The government has cut legal aid representation for administrative law for people who are faced with poverty, and they will have no access to legal representation on these issues, because government cut those programs. The government saw fit to do all of that. Then, in the meanwhile, they pretend that they're very concerned about safe streets only to find that they've contributed to the problem.

Then you actually have Mayor Alan Lowe coming forward and saying that we don't need a Safe Streets Act in downtown Victoria, which has problems, and he actually speaks against the Safe Streets Act.

I want to be very clear that the opposition does want safe streets for everyone, but we're calling on the government to provide the resources and the programs that are necessary to support individuals and organizations to help us create safer streets. We're calling on this government to be ever mindful of their actions. This bill, in my estimation, is a cynical political exercise by the government, for they have done little to actually address the issue around safe streets. We must acknowledge there are already existing laws that target aggressive behaviour that the minister claims this bill is trying to target.

[1600]

Hon. G. Plant: Let me just say a couple of things. I want it to be clear that — and this is partly in reference to an issue the member raised earlier — there is a difference between this and the Criminal Code. This law reaches into different places and different kinds of activity than the Criminal Code. It is not an answer to this bill to say: "Ah, but we have the Criminal Code." They speak to different things. Nor is it an answer to this bill to say: "But there are municipal bylaws."

The first reason that is so is that not every town and city in British Columbia has those bylaws. In fact, there may be only four towns and cities — maybe a handful, at any rate — that actually have bylaws that are close on point to the provisions in this bill. On that basis alone, it's not an answer to this bill to say: "Ah, but there are municipal bylaws." The person who says, "Ah, but we have the Criminal Code, and we have mu-

municipal bylaws," is unfortunately, upon close analysis, not actually offering an objection to this bill.

This bill fills a place that is not filled by the law. There is an additional element, which is the difference in enforcement power available to a municipal bylaw enforcement officer on the one hand versus what is available to a peace officer enforcing this bill. Those differences, too, are real, and they are substantial. They also represent an answer to the question: "Why not just rely on the Criminal Code and municipal bylaws?"

This bill speaks to something slightly different, and it does so in a way that reaches across the whole of the province. It does speak truly and substantively to an issue I have had raised with me by individuals, elderly people who feel intimidated when they walk down the streets because they're being persistently panhandled — behaviour that would fall short of a criminal offence but is, nonetheless, behaviour that, from their perspective, is threatening. It causes them to think twice about being on the streets.

I've heard from visitors to Vancouver who wonder why it is that we have a problem of aggressive panhandling on the streets of Vancouver, to take Vancouver for an example. Alan Lowe may be right. There may not be a problem on the streets of Victoria. Every town will have its own circumstances. But I know there is a problem on the streets of Vancouver, because I've sure heard a lot about it.

I guess I think about the situation of a 79- or 80-year-old woman, a little bit frail, who still likes to go downtown, who wants to be able to go to downtown Vancouver and have a nice day out with a friend or two and shop. I guess I have to say we can have a discussion about social policy and economic policy, and we can shout at each other the way there has been some shouting this afternoon.

I don't doubt that those are difficult issues. I don't doubt that we're going to continue to have a debate about whether government is adequately responding to some of the social conditions that are present on the streets, but they are beside the point of this provision. This provision says that it doesn't matter what your circumstances are. You can't bother other people to the point where you're behaving belligerently.

So I guess I have to say, having heard some of the opposition to this provision and to the other provisions: what is it about the dogmatic Left that makes them so unwilling to speak up for those who feel safe on our streets? I have heard nothing from the member opposite to say what she would do to deal with the real problem that exists.

She takes a path from the real problem, which denies it, by trying to talk about another problem. I don't doubt that there are other problems, but the fact is that there are people on the streets who behave inappropriately, who harass people mercilessly for money. Why shouldn't the law provide a tool to respond to that? It's behaviour that falls short of the Criminal Code.

[1605]

In the course of the debate in the public over the last few weeks, I've heard lots of examples used of be-

haviour that looks to me like it would constitute a criminal offence, followed by the rhetorical question: "Why don't we use the Criminal Code?" Good question, but this doesn't deal with that behaviour. This doesn't deal with an actual assault.

If I spit in your face for no reason on the streets, that's an assault. That's a crime under the Criminal Code of Canada. What if I am just am nasty to you and won't let you go, and I keep asking you and asking you for money? Just to personalize it, what if the person doing the asking is 6 foot 2, 240 pounds, and the person on the other end is 5 foot 4 and 79 years old? What is it about the Left that makes them so unwilling to speak up on behalf of those people?

All they can do is talk about something else. All they can do is have an argument about the adequacy of social programs. Good argument — totally beside the point. All they can do is second-guess the government's motives. Let me tell you about the government's motives, Mr. Chair. The government's motives are to try to do something to make our streets safer. That's what over 80 percent of the municipal officials of British Columbia want us to do. Those are people who are close to their communities.

Yes, those municipal mayors and city councillors may want government to do other things about social and economic policy. That may be so, and maybe we should listen to them, but that's a different debate. That's not this debate. This debate is about whether we should step forward and say yes, there is certain behaviour that interferes with the right we have as citizens to pass freely without hindrance on the streets. That's a very fundamental right.

I never hear the dogmatic Left speak on defence of that right. I have never heard anyone opposed to this bill stand up and say, with credibility: "I believe that citizens should be allowed to pass freely on the streets." What I hear instead is some statement like: "I believe in the right of socially disadvantaged people to abuse other citizens." I don't accept that. It may be a perspective that you can legitimately hold. I think it is a perspective that you can't really legitimately hold. I mean, I just don't get it.

We've certainly had a good opportunity to poke and prod at the details of this. We haven't had that debate. I don't know why the member is completely uninterested in the words of the section. Maybe it is because she looks at the words of the section and realizes that no sane person could oppose this provision, unless we were to stand up and have a debate about the homeless, as though being homeless created some kind of inherent right to abuse other people.

I don't buy that. We live in a civilized society. Falling on hard times is not a reason to be belligerent to other innocent people. It is just not acceptable, Mr. Chair. It should not be acceptable. We should all agree on that fact here in this chamber. We can debate spending and social programs, and we have done that.

The member for Vancouver–Mount Pleasant is certainly a passionate advocate for the social and economic circumstances of the citizens in her community,

and I respect her for that. I respect her advocacy on behalf of the disadvantaged across the province as a whole. Why does being disadvantaged give you a right to gang up, with a couple of other people, and beset somebody as they're following their way down the street, just trying to go about their business? I never hear an answer to that question. It's because there is no good answer to that question.

When they stand up — and they will stand up and will vote against this — are they voting for unsafe streets? Are they saying they care so little about the rest of us? Are they saying that they care so little about the average citizen, that they're so wrapped up in justifying an argument about the circumstances of the economically disadvantaged that they're willing to slap the rest of British Columbians across the side of the face and say: "You don't matter, and we should be allowed to assault you, abuse you, harass you, intimidate you, speak belligerently, because you are better off than we are"?

[1610]

I can't believe that is an argument anyone could take seriously. And do you know this? Eighty percent of the mayors and city councillors in British Columbia don't take that argument seriously, and they don't for a minute think that this bill is the answer to all that ails society. All they see here is all that is here, which is a very carefully defined prohibition of some pretty carefully articulated behaviour that I think, read objectively by most citizens, would find support.

People would say no, you shouldn't be allowed to panhandle aggressively. We'll allow you to panhandle, but you can't stand in the middle of the street, block somebody's passageway, gang up with a bunch of other folks, use abusive language and carry on harassing and besetting people. That's not right. We shouldn't allow that.

I think this is a provision.... It's not the same provision that was introduced earlier by the private member. We've actually taken some care to try to make sure that it is a careful and precise and, I believe, pretty well drafted provision that strikes at something I think most British Columbians believe should not be permitted.

So I urge all members, as we approach the possibility of a vote on this section, to think about what it is that ordinary British Columbians want from us in this Legislature. I think what they want from us is to set some basic standards, enforceable by the law when there is a problem of such pressing and persistent nature that it requires a response in the law, and those standards are established in this section of the bill.

Hon. S. Brice: I request leave to make an introduction.

Leave granted.

Introductions by Members

Hon. S. Brice: On behalf of my colleague the Minister of Finance, I wish to acknowledge in the House this

afternoon 17 grade 7 students from Wolfe Elementary School in Vancouver-Fairview, with their teachers Ms. Krista Tulloch, Mr. Craig Chaplin and Ms. Susan Tulloch. I ask the House to make them welcome.

Debate Continued

J. Kwan: I could not let the minister, the Attorney General, get away with those comments, Mr. Chair.

I, too, want to welcome the children visiting the Legislature, but let me just say this: they're getting a valuable lesson today of what not to do. That is what the Attorney General has just done: to make it up as you go along, no matter what the reality is or what the facts are. That's what we just heard from the Attorney General — making up the facts as it suits him.

Here is a valuable lesson for those who are here in the Legislature today and those who might be watching the debate. The Attorney General accuses the opposition of supporting.... Somehow, people who are faced with aggressive behaviour on the streets — whether it be from a beggar or a panhandler — as though somehow it is okay behaviour.... Mr. Chair, the minister is not only wrong on that assertion, but he is purposely misconstruing what the opposition has been saying on this issue.

The Chair: Member, I must warn you that the implication you are making here with that comment is unparliamentary, so just be very, very cautious, please.

J. Kwan: I want to be very clear, Mr. Chair. I'm exercising every caution in my words that I'm putting on record here today, because it is misinformation about the opposition's position that the Attorney General just put on record. It is not true. It is false, Mr. Chair.

Hon. G. Plant: Well, we'll see how you vote.

J. Kwan: What I have put on record and have been very clear about this issue.... The Attorney General sits there and says: "We'll see how you vote." On second reading I have already spoken against the bill.

[1615]

Let me tell you, Mr. Chair. The Attorney General would like to reduce the issue as though somehow this is just strictly about setting standards of behaviour. Well, it isn't. I hate to tell the Attorney General that it isn't. It is about us as a society as a whole — how we conduct ourselves, for those who are poor, which this bill targets, as well as those who are not so unfortunate as to have to beg for food or be on the streets to panhandle for support. It speaks to a society — we as a whole — about who we are and how we will deal with the people who are most marginalized in our communities.

Is it as simple as the Attorney General would like to put it — simply to say: "Oh, well, we'll slap a piece of law in place that says you are not allowed to do that, and if you do it, you're going to be hauled off the streets and that's it, end of story"? Meanwhile, the gov-

ernment cuts funding for housing; cuts funding for social support programs for youth, for the homeless, for those who are marginalized in our communities, for those who are mentally ill, those who are faced with multiple diagnoses in our communities; and closes drop-in centres for people to drop in to get a cup of coffee.

And somehow, when I bring those matters up for debate as it relates to this bill — and about we as a society and we as a government and how we address those issues — the Attorney General says: "That has nothing to do with anything, and the member is just bringing it up — completely irrelevant."

Then he went on to accuse me as if somehow the Left has this position. Well, I have news for the minister. He can call me whatever he wants, and he has in this House and insulted me in untold ways. He can go on and do that. He did it in the trespass act, and today he did it again when we debated this bill. Maybe that makes him feel better and makes his colleagues feel better, but that's not the real issue. You can call me any name you want and accuse me of whatever you want, Mr. Chair, to the Attorney General, but you know what? That does not negate the crucial issue that I want to bring up relating to this bill.

It isn't just about slapping a piece of law in place — telling someone that they can't stand there and solicit in an aggressive manner, as though somehow that means you're setting standards, while you cut programs without putting the supports in place. It doesn't mean that. When you have emergency shelters and representatives from there sending a letter to the Attorney General telling him: "Do not be simplistic" — I think, implicit in the letter — "with your approach to addressing this critical issue, and understand that all of the government's actions have ramifications and that they have contributed to increased panhandling and therefore created unsafe streets."

Let me just put this on record. I had the pleasure most recently to engage in a discussion with the former mayor, Mayor Philip Owen, on the week that we were off, on the Friday. I was back in my community at the Carnegie Centre, and we were celebrating the Heart of the City Festival at Carnegie. They were celebrating the talents of the people in our community, which certainly very few people in this chamber actually acknowledge — the hidden talents, the unbelievable voice that the singer sang with, the music that they played.

It was just unbelievable artistic expression that I have rarely seen anywhere else, in a community that people say is the worst community in Canada — that the MLA from Burrard says is the worst community. I have seen with my very own eyes and experienced over more than 20 years now in the downtown east side the strength and the talents of these people.

In that conversation with Mayor Owen, with several people.... It was a conversation that we all just stood around and said.... It was actually the Friday after this bill was introduced in the House on Thursday. I was talking about this bill, and the former mayor said: "You know, I really don't know what people are talking about when they say that the 100 block of Hast-

ings is unsafe." He says to me: "I park my car in the 100 block of Hastings Street. I walk out, and I actually feel safe in this community." He says to me: "I don't know what people are trying to do."

When they said to him, when he was the mayor, that he should actually become more like the mayor of New York and bring in laws and bylaws that prevent people from being seen to be poor on the streets, to address the issue around prostitution and the drug issue and so on.... He says: "You know, all that does is push the problem to someone else's neighbourhood, and then you ask the question: what does that solve?"

[1620]

This is a former mayor of Vancouver, Mayor Philip Owen. In our conversation, we sort of talked about these issues in general, and that's what he told me. He is certainly not deemed to be the Left, as the Solicitor General likes to peg people into holes — certainly not.

Let me just say this as well. Part of this information was brought forward by my colleague during second reading debate, but I would like to put this on record. I would like to put the question relating to this abstract to the minister, and I would like to seek his response.

This is a study that was done on the issue: *A Social and Economic Impact Study on the Ontario Safe Streets Act on Toronto Squeegee Workers*. The abstract reads:

"Squeegee cleaning was once a primary source of economic activity for many homeless youth in Ontario. Effective January 31, 2000, the Ontario government officially censured this activity, along with other forms of 'aggressive' begging. This paper reports on the social and economic impact that the Ontario Safe Streets Act...has had on a sample of 50 homeless youth in Toronto.

"Youth who were once actively engaged in squeegee cleaning prior to the Ontario Safe Streets Act are now living more difficult lives. Although the legislation has not had the effect of completely eradicating this work, two years after squeegee cleaning was banned, homeless youth who once heavily relied upon the income from squeegee cleaning are now more likely to be sleeping in more dangerous environments, are more likely to be panhandling, selling drugs (males) and collecting social assistance.

"There is also evidence to suggest that relations with the police have worsened for these youth since the Ontario Safe Streets Act came into effect. These findings are then discussed in terms of neoconservative punitive modes of social control and social exclusion."

I would like to seek the minister's response to this study and the abstract I just put on record.

Hon. G. Plant: I think the study was directed at the activity of squeegeeing, which is not really, I think, caught by section 2 of the bill. I appreciate the fact that the impact of the Ontario legislation has been studied. I'm sure it will continue to be studied. I have not actually read the study in detail. The reason I haven't is because this bill is targeted at phenomena that I accept are a problem on the streets of British Columbia, and this bill is targeted at that activity.

For the reasons that I have tried to express at some length in this debate today, the legislation, I think, strikes appropriately at a problem and does so in a way

that is carefully circumscribed. We'll see how it is applied as it is enforced on the streets, assuming that it is supported by the members of the House.

J. Kwan: Isn't that convenient for the Attorney General to say that has nothing to do with the bill? Isn't it interesting that Ontario actually went down this experiment. They actually brought forward a thing called the Safe Streets Act in Ontario. They actually did a study on it three years after the act was passed, and they found that the problems....

While it might appear to have dealt with the problems on the surface, in reality what has happened is that the youth who were at risk, who were panhandling on the streets, who were targeted by that bill, as would be this bill in British Columbia for the use on our streets.... They actually found them to be in more dangerous environments, that they are actually dealing with issues more complicated, perhaps, than the situation now and that they are in fact in a situation of selling drugs and so on.

You wonder: is that the alternative we want? Is that the direction we want to take it? The Attorney General asked a question — facetiously, I'm sure — about what we want. What do we want, and what is our solution to the problem? I actually do have an amendment to this bill that I will table at the appropriate time, Mr. Chair.

What I want is this — let me be very clear: real solutions to people's problems and challenges that will make a difference. I can tell you that right now, Mr. Chair. I want affordable housing programs that would house people who are homeless on the streets right now, that we reduce the rate of homelessness in our communities. I want the PEERS program's funding, for example, to be reinstated so that people who need those kinds of programs to provide them with the kind of supports they need to get off the streets would actually have the opportunity to do so. That is just to cite a couple of examples.

[1625]

We live in a society that is democratic and free, and I am proud to be a Canadian. Make no mistake about that. I am proud of the opportunities that are offered me as an immigrant in this community. Make no mistake about that.

I come from a country where I saw untold numbers of people who were poor and who were begging on the streets every single day. I remember that as a kid when I was growing up, I thought: oh my goodness, how could it be that people are living in paper houses? I had paper houses at home, but they were for my dolls when I was nine years old, not for real people on the streets. And that's what I saw.

When I came here, I saw a better society and better opportunities for everyone. It is about that. We live in a rich society, and there is no justification whatsoever that we actually have the poor living on the streets. There is no justification for this government to be cutting the kinds of programs they have cut and then doing nothing about it and turning around to say, oh, but we want to set standards of behaviour.

It is no justification for this Attorney General to accuse the opposition, that somehow we will step back and say that everything is fine, that we want to see seniors be accosted on the streets and be faced with aggressive behaviour. That is utter nonsense. It just goes to show you how shallow — how shallow, really — the thinking is around the government's actions to date.

Section 2 approved on the following division:

YEAS — 46

Falcon	Coell	Les
Wong	Chong	Locke
Hansen	Bruce	Santori
van Dongen	Roddick	Bray
Cobb	Lee	Murray
Plant	Bond	Brice
de Jong	L. Reid	Penner
Jarvis	Orr	Nebbeling
R. Stewart	Hunter	Chutter
Mayencourt	Johnston	Bennett
Krueger	J. Reid	McMahon
Brenzinger	Masi	Nijjar
Bhullar	Hayer	Visser
Lekstrom	K. Stewart	Bloy
Suffredine	Whittred	Sultan
	Kerr	

NAYS — 2

MacPhail	Kwan
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[1630-1635]

On section 3.

The Chair: Attorney General, I believe we have an amendment to section 3. We'll deal with that first of all.

Hon. G. Plant: There are two amendments. I will move the first amendment. This is an amendment published in the *Orders of the Day* to amend the proposed section 3 by adding a new subsection:

[SECTION 3, in the proposed section 3 by adding the following subsection:

(3.1) No offence is committed under subsection (2) (a) if the person soliciting

(a) has express permission, given by the owner or occupier of the premises on which the automated teller machine is located, to solicit within 5 metres of the automated teller machine, and

(b) solicits only on the premises.]

On the amendment.

J. Kwan: Maybe the Attorney General could be more specific. There are two amendments that I see. Is he moving both of them at the same time?

The Chair: No, member, just the amendment to section 3. Section 3.1 is a separate section. We're just dealing with the amendment to section 3.

J. Kwan: Then we're now debating the amendment on this language: "No offence is committed under subsection (2) (a) if the person soliciting (a) has express permission, given by the owner or occupier of the premises on which the automated teller machine is located, to solicit within 5 metres of the automated teller machine, and (b) solicits only on the premises." That's the amendment we're now dealing with. Then let me put some questions to the minister about the amendment.

The five-metre rule that the government has put forward — why five metres? Where did that come from?

Hon. G. Plant: We gave consideration to a number of different options here. One of the options was to have no bubble zone requirement at all, but our view was that the idea of captive audience solicitation becomes most problematic when someone is being solicited when they're waiting for a bus and they're right beside the bus stop. We thought that we needed to put some limit around what the no-go zone would be, if you will, and argued that five metres was a reasonable distance.

J. Kwan: Specifically in this amendment, automated teller machines — that is, ATMs — are named here, but it doesn't name any other kinds of things, whether it be a bus bench or whatever the case may be. Why is that?

Hon. G. Plant: What we're trying to permit with this amendment is the fairly common occurrence of charities setting up a fundraising drive on bank premises, sometimes within five metres of an ATM. The defence only applies in respect of solicitation on the bank premises.

J. Kwan: In this bill if a person.... There was much to-do from the government in making the issue that you would only be committing an offence if, in fact, you solicited in an aggressive manner. I would suspect, for example, Girl Guides who are selling cookies in a bank or outside a bank or by a park bench or anywhere else are not committing an offence, because they're not doing it in an aggressive manner, I wouldn't imagine. Why the contradiction?

Hon. G. Plant: There is no contradiction. We're now debating a new section. We are now debating a section which makes the solicitation of a captive audience an offence. That section is directed at a slightly different phenomenon.

[1640]

Here we're talking about somebody who is standing around waiting to use a cash machine or waiting in line to use a pay phone or a public toilet, or they're

waiting to get a taxi, standing in a taxi pickup zone in front of a hotel, perhaps, or they're getting in or out of a taxi that's pulled up in front of a building. The idea here is that these are people who are not just passing down the street. They're not just walking down the street. They're on the street in a particular place for the purpose of doing something. The principle that we are trying to capture here is the idea that it is wrong to take advantage of the fact that somebody is standing around waiting to use a pay phone, for example — who really can't move, who can't get out of the way. It's wrong to stand up right beside the person using the pay phone and start to panhandle that person.

It is a different concept than the concept of aggressive solicitation. This is a concept that is directed at what happens when people do certain things on the streets. We have tried to capture all of the examples we can think of that represent what we consider to be situations where you could use the term "captive audience."

We're saying that you can panhandle — you can't panhandle anywhere aggressively — but you can't panhandle within a few feet of a bus stop. You can't panhandle within a few feet of a cash machine. You can't take advantage of the fact that somebody is standing there trying to do some other business and bug them for money. It's a different concept.

Accordingly, this idea of aggressive behaviour does not form part of the offence in section 3 and is not captured by the amendment that we're proposing for section 3, which recognizes the fact that sometimes when you go onto bank property or credit union property, there may be a cash machine. We're now talking about inside the premises, and we didn't want to prohibit what is a fairly common occurrence with charities who do fundraising — usually, I would think, with the permission of the property owner — on bank or credit union premises.

J. Kwan: What about in the malls?

Hon. G. Plant: I don't know what the member means by: "What about the mall?"

J. Kwan: We know that, for example, there are a number of charities who actually engage in the kinds of activities the Attorney General just talked about that are being exempted under this section of the act. It may not be near an ATM machine, but there are people — I've seen them, actually — soliciting in that way in malls that are private property, for example. Are they committing an offence under this act?

Hon. G. Plant: Not unless they're within five metres of an ATM or a pay phone or a public toilet or any of the other circumstances captured within section 3. I should say that it is possible that when we're talking about somebody who is in a mall, we are talking about somebody who is on private property, and other considerations may come into play there, including the considerations addressed by the recent amendments to the Trespass Act.

Amendment approved.

On section 3 as amended.

J. Kwan: As the Attorney General said, this section of the bill deals with "captive audience." Does the definition of captive audience exist in other laws that the Attorney General is aware of?

Hon. G. Plant: There is no definition of captive audience in this bill.

J. Kwan: In this bill, under section 3, it reads: "Solicitation of captive audience prohibited." In that context it lists out a number of situations where a person commits an offence if a person, for example, "solicits a person who is using, waiting to use, or departing from a device commonly referred to as an automated teller machine." That section now has been amended with the five-metre zone — bubble zone — regulation. There is also the question around a person soliciting who is using or waiting to use a pay telephone or public toilet facility, etc. Broadly speaking, this section of the act outlines these situations and those individuals within them as captive audience.

My question to the Attorney General is: are there any other laws that use this concept of captive audience?

[1645]

Hon. G. Plant: An example that I do know of is the Safe Streets Act of Ontario.

J. Kwan: Anything in B.C.?

Hon. G. Plant: If the member is asking the question about whether there is another provincial law that describes an offence in terms that prohibit the solicitation of a captive audience, I am unaware of any other existing provincial statute.

J. Kwan: That is a question that the minister himself wanted to ask, perhaps, and put the answer on the question. That is not the question that I asked of the minister. It's not that complicated a question. I actually think that I saw the Attorney General's staff shaking her head. Maybe I'm wrong.

Interjection.

The Chair: Member, order please.

Interjections.

The Chair: Member, member.

J. Kwan: On a point of order, please, Mr. Chair. The Attorney General is just shouting at me on a question I put to him. He is continuing to shout at me. If he has a point of order to make, he is able to do so by rising in this House. Otherwise, I'll put questions to the Attor-

ney General and ask him to answer the questions, Mr. Chair. Perhaps you can direct us as to what the course of action should be in this House.

Hon. G. Plant: I will keep my staff out of it. Do not refer to the facial gestures of the members of the public service of British Columbia who are here assisting me.

Interjections.

J. Kwan: The point of order is this, for the members of the House: the Attorney General actually wasn't making a point of order. He is screaming and shouting, but I don't know why. Maybe he doesn't want to answer the question that I put to the minister.

The Chair: Member, please take your seat. Please take your seat. Member, just a reminder that you shouldn't be commenting on members of the House or any facial gestures or whatever of anybody in this House. It's unparliamentary.

I would like to get back, please, to section 3 of the bill.

J. Kwan: I would love to actually see the new rules in the House. Every single day there appear to be new rules in the House.

Let me put the question to the Attorney General. Are there laws in British Columbia that use the concept of captive audience? I don't mean in the context of this act where it spells out captive audience in the context of solicitation but just generally on the issue around captive audience.

I might add that there have been many times when members of this House express their answers facially, sometimes unsolicited — oftentimes.

Interjection.

J. Kwan: Mr. Chair, is that a threat? I think I just heard a threat from the Attorney General on a point of order.

Interjection.

The Chair: Order, please. Order. Member, take your seat, please. Member, take your seat.

Let's get back to the issue of this bill and maintain our comments and our questions related to this bill. You have the floor, member for Vancouver-Mount Pleasant.

J. Kwan: I wonder, on a point of order: is it parliamentary for this Attorney General to threaten the opposition by saying that he will leave the House and not answer questions? I ask the question. If that's a threat for him to respond, to say, "Yes, it is a threat," is that parliamentary, Mr. Chair — on a point of order?

The Chair: Member, I made a comment earlier that it was unparliamentary to make any comments about

gestures of an individual in this House. That is unparliamentary. Now let's get back to the bill, section 3.

J. Kwan: On a point of order, please. Is it parliamentary for the minister to threaten the opposition?

[1650]

The Chair: I didn't see any threat, so proceed with section 3 of the bill, please.

J. Kwan: Only in this House, I must say.

The Chair: Order, member. Please come to order and have some respect for this House. Member for Vancouver–Mount Pleasant, you have the floor. Proceed with the bill.

J. Kwan: With no threat from this Attorney General, I asked the question, and I expect a response. What is the response of this central lawmaker of the province called the Attorney General who threatened not to answer questions put to him? I have yet to hear a response. That is, are there any other laws in British Columbia that use the concept of a captive audience — not relating to this bill on solicitation but other laws? I have now asked this question for the third time, and I have not heard an answer from the Attorney General, except that I heard a threat from him that he would not answer my questions.

Hon. G. Plant: I repeat the answer I gave earlier. I am unaware of any provincial law that uses the concept of captive audience solicitation.

J. Kwan: For the first time since I asked that question — three times — I actually got an answer from this minister.

Interjections.

J. Kwan: You know, Mr. Chair, I know that members of this House can't help themselves. They can't help themselves. The fact is that there are only two opposition members in this House putting questions to this government, and they can't stand even those two members asking questions at various stages of debate.

The Chair: Member, take your seat. Member, take your seat, please. This whole line of questions has become very tedious — your approach to this whole debate. I would suggest you get back to the bill.

J. Kwan: I know that any questions from the opposition become tedious, especially when the answer is not forthcoming from the Attorney General or the ministers.

I asked the question because I want to see what other examples there might be on the concept of captive audience. There are none in British Columbia. There are, I believe, issues of constitutionality around this.

I know that the members of this House — the government members — can't stand it when the opposition puts questions to them. I know that in many of their minds they're thinking: "How dare you ask questions? We're in government, and we can do whatever we want. How dare you try to make us be accountable?" I see that. I've seen that, certainly, for the last three and a half years from members of this House.

The question I want to put to the Attorney General is on the constitutionality of this provision of the bill. Does he think that this will stand up if challenged in the courts?

Hon. G. Plant: I actually made a general comment earlier when the question was asked in the context of section 2. The general comment is: my view is that the bill as a whole will withstand constitutional challenge. That applies also to section 3 of the bill.

J. Kwan: I believe that this section of the bill, if challenged in the courts, would not stand up in the courts, particularly relating to the constitutionality issue.

Let me ask the Attorney General this question. We just saw an amendment that provides for what he calls a bubble zone — that is, to solicit within five metres of ATMs. Does this bill ban anyone from asking for change at a phone booth, for example, or at a bus stop or a parkade? I myself have done it when I'm faced with a situation where I don't have the appropriate change to stick into the machines. Does this act actually create an offence in those situations?

[1655]

Hon. G. Plant: If you are within five metres of the ATM, the pay phone, the public toilet facility or the bus stop, yes.

J. Kwan: Well, isn't that interesting? If you were asking for change because you didn't have the appropriate change for your parking tickets or change for the bus or for the telephone and you asked someone, "Hey, can you break a loonie?" let's say, or "Can you break a five?" or whatever.... If you ask for change in that way, according to the Attorney General — isn't that something? — you'll be committing an offence. That's great. That's just great news for British Columbians.

An Hon. Member: More good news.

J. Kwan: Well, the members of the House might think that this is more good news.

Hon. K. Falcon: You bet it is.

J. Kwan: Yes, and the Minister of Transportation goes: "You bet it is." Well, you know, maybe there's a reason why he isn't actually the leader. The government is so proud of its record....

Interjections.

The Chair: Order, please. Let's have some order.

J. Kwan: Let me just say this. This act and the way in which this government has brought it in place and the question that I put to the Attorney General moments ago just go to show you how little thought I think the government has actually put into this act.

Section 3(4) makes it an offence to solicit while standing.... Well, actually we'll get to that. I'll get to that.

Let me just close with this. I do not believe section 3 will stand up constitutionally. I think that the language prescribed within it is way too broad. I think that it captures a whole array of people that the government may well have no intention of trying to capture under this bill. It will have ramifications.

As I said, the government has brought in this bill in a way that does not address the real issue and the core issue of the people who are desperate enough to be on the streets. To be substantive in a way that will deal with the challenges that they face and, therefore, the larger community.... It does not, in my view, speak to how Canadians are in terms of trying to address issues of social problems.

Hon. G. Plant: For the information of members, the Ontario legislation which I referred to earlier is similar to the provision that we have before us in some respects. It actually has been challenged in the courts, and the challenge has been dismissed. There is an appeal underway. I think there has been an appeal being argued, but the court has been reserving judgment for some two years.

One difference between the Ontario bill and this bill is that the Ontario bill does not have the five-metre rule in it. So it doesn't matter how far away you are from the pay phone. If you ask for money from somebody who's waiting in line to use a pay phone, you've committed the offence if you're in Ontario. What we've done in British Columbia is recognize, I think, that that's taking a pretty long.... We've shrunk the area to the five-metre zone. That focuses much more on the problem, I think, of taking advantage of somebody who is waiting to do some activity.

That's an example of other legislation and the different approach that we've taken in British Columbia.

[1700-1705]

Section 3 as amended approved on the following division:

YEAS — 46

Falcon	Coell	Les
Wong	Chong	Locke
Bruce	Santori	van Dongen
Roddick	Wilson	Bray
Cobb	Lee	Murray
Plant	Bond	Brice

de Jong	L. Reid	Penner
Jarvis	Orr	Nebbeling
R. Stewart	Hunter	Chutter
Johnston	Bennett	Krueger
J. Reid	Hawes	McMahon
Brenzinger	Masi	Nijjar
Bhullar	Hayer	Visser
Lekstrom	K. Stewart	Bloy
Suffredine	Whittred	Sultan
	Kerr	

NAYS — 3

MacPhail	Kwan	Nettleton
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Hon. G. Plant: I move the amendment to add section 3.1 that appears in the *Orders of the Day*, and I would be pleased to speak briefly to the amendment.

[SECTION 3.1, by adding the following section:

Arrest without warrant

3.1 (1) In this section, "peace officer" means a peace officer described in paragraph (c) of the definition of "peace officer" in section 29 of the Interpretation Act.

(2) A peace officer may arrest without warrant any person who the peace officer believes on reasonable and probable grounds is committing an offence under this Act.]

On section 3.1.

Hon. G. Plant: This amendment adds a provision permitting arrest without warrant by a peace officer. As is apparent from Bill 72, the Trespass Amendment Act, 2004, which we debated last week, the current Trespass Act has and will continue to have a provision permitting police to arrest without warrant. This provision is used as a last resort when other methods of enforcing the legislation — such as warning the person that they are committing an offence and asking them to leave or issuing a ticket and asking them to move along — have failed, sometimes after repeated attempts. This amendment gives the peace officers another option for dealing with particularly aggressive offenders or repeating offenders.

Section 3.1 approved.

On section 4.

J. Kwan: Section 4 makes it an offence to solicit while standing on the road. Again, if the section of the bill was actually applied, I think there would be, in my view, huge ramifications. Let me ask the minister this question: can a person stand on the curb instead?

Hon. G. Plant: Let me clarify what this section does, and then I'll deal with the member's question. Section 182 of the Motor Vehicle Act has three provisions currently. The first is this: "If there is a sidewalk that is rea-

sonably passable on either or both sides of a highway, a pedestrian must not walk on a roadway." The second provision is this: "If there is no sidewalk, a pedestrian walking along or on a highway must walk only on the extreme left side of the roadway or the shoulder of the highway, facing traffic approaching from the opposite direction." Then, third, the section provides: "A person must not be on a roadway to solicit a ride, employment or business from an occupant of a vehicle."

[1710]

There was some debate about whether or not a violation of these provisions of section 182 would constitute an offence. There were, I think, probably arguments on both sides of the point. What we have done is clarify the issue by establishing that someone who does the prohibited activities in this section commits an offence, except for a person who is soliciting a ride in an emergency situation.

That is the intention behind the addition of what will become subsection (4) of section 182 of the Motor Vehicle Act. I am advised that in response to the member's question, whether it includes standing on a curb, the answer is no. This is designed for vehicular traffic, not the shoulder.

J. Kwan: It's interesting to note, because the explanatory note of this bill states as follows: "The Bill also consequentially amends the Motor Vehicle Act to make it an offence to walk on a roadway if the roadway has a sidewalk, walk on the right side of a roadway that has no sidewalk, and stop or approach a motor vehicle for the purpose of offering, selling or providing a commodity or service." This is what the explanatory note says about section 4, where it outlines the amendment of section 182.

This just happened last week, actually. When I drove from the Legislature to the ferry station, there was a lot of traffic. There were lots of people there. The roads were backed up onto the highway. There were folks walking around from the Ferry Corporation coming up to the drivers, asking them questions about their destination and whether or not they have a reservation and what have you. Then there were also people, from time to time, in those situations who actually sell newspapers and those kinds of things. Would they be committing an offence under this section of the act — the folks that were wearing the vests, asking drivers what their destination is and whether or not they have reservations and so on? They were right in the middle of the road.

Hon. G. Plant: A B.C. Ferries employee who is on the road making inquiries about people's destinations is not on a roadway to solicit a ride, employment or business from an occupant of a vehicle and, therefore, would not be committing an offence. The newspaper vendor, who may be on the roadway for the purpose of selling a newspaper to somebody in a vehicle, would be committing an offence.

J. Kwan: Wow. I actually hadn't expected that. I was thinking that the answer would be no for both

questions that I put to the minister. Those people who do.... They come with a little trolley with stacks of newspapers and what have you. So when they approach you as you're waiting to get on the ferry, on the roadway, they will be committing an offence.

I would say that illustrates one problem with respect to this section of the bill that perhaps the government hadn't thought about. I don't know if those are the people that the government is trying to target as well, but under this bill, it will be targeting them.

We, of course, have rules around safety for pedestrians on the roadway, for example. Why did the government feel that this is necessary?

Hon. G. Plant: I'm going to have to ask the member to repeat her question, but I do want to be clear about the last answer. I wasn't talking about somebody who was selling newspapers inside a ferry terminal. I'm talking about somebody who is standing in the middle of a public highway selling newspapers. I'm not talking about somebody who is standing on a sidewalk selling newspapers to people who are driving by perhaps, but I am talking about somebody who is standing in the middle of the street to sell newspapers.

One of the reasons why this section is here is because that activity — the activity of standing in the middle of the highway to try to solicit business — is dangerous. It's dangerous as can be. In the view of government it ought not to be permitted. In fact, it already is pretty clearly not permitted. What was unclear was whether or not violation of the prohibition constituted an offence under provincial law, and we are clarifying that because we want it to be very clear that violating those prohibitions is an offence under provincial law.

[1715]

J. Kwan: Let me close with this. Hence, I think the point has been made repeatedly that there are already existing laws that deal with these issues. On the issue of safety, if somebody is standing in the middle of the road trying to sell newspapers and what have you, there are existing laws that deal with that around safety. There are provisions that are already in place. It begs the question: why is it that we're here dealing with this section of the bill?

Hon. G. Plant: Well, the member can assert it, but it's not so, and asserting it does not make it so. It's a great debating strategy to deny the obvious and insist that something else is so, but it's not. We wouldn't be here if there was, in fact, provincial legislation that dealt with this issue.

We're here because we want to make clear that section 182 of the Motor Vehicle Act needs, if you will, to be toughened up. While we are talking about offences that will, for the most part, only be ticketed, nonetheless, our view is that the best view of the law in British Columbia today is that these matters are not dealt with appropriately. That's why we are introducing this provision.

Section 4 approved.

On section 5.

J. Kwan: On section 5 it deals with the commencement of the act. It says that this act comes into force by regulation of the Lieutenant-Governor-in-Council. It's a simple section, I know, but I want to put this forward.

Given that this government has spent the last three and a half years cutting various programs and supports that protect public safety and help people get off the streets, help people who are in desperate situations to address their challenges; given that they have reduced or frozen or eliminated funding for the construction of affordable housing for those economically challenged families and individuals, for street-level youth programs, for street-level mental health programs, for legal aid services, for Crown prosecutors, for advocacy services for disadvantaged groups, for women's centres and for the organized crime task force; given the fact that a September 2004 Statistics Canada report shows that B.C. has now the biggest gap between the rich and the poor of all the provinces; and given the fact that these studies indicate that during the government's tenure, poverty has actually grown faster in the lower mainland than in any other urban region in Canada and that the number of homeless in the lower mainland has more than doubled....

The Chair: Hon. member, please take your seat for a second. I don't see how this relates to section 5 on commencement. You're all over the map here. Member for Vancouver-Mount Pleasant, please, on section 5. We're talking about commencement.

J. Kwan: On commencement, I'm just about to move an amendment to section 5. I was putting the context in place, Mr. Chair. So this will all come together.

Section 5 actually calls for the act to come into force by regulation of the Lieutenant-Governor-in-Council. I would like to move an amendment that reads as follows:

[This Act comes into force only after the government has restored funding for: construction of affordable housing; street level youth programs; victims' assistance programs; street-level mental health programs; legal aid services; crown prosecutors; advocacy services for disadvantaged groups; women's centres and the Organized Crime Task Force by regulation of the Lieutenant-Governor in Council.]

The Chair: Hon. member, please take your seat.

J. Kwan: Here's a copy of the amendment.

Hon. K. Falcon: A useless amendment.

The Chair: Hon. member, this amendment is out of order. It has absolutely no connection at all to this bill.

Speaking to section 5, member for Vancouver-Mount Pleasant.

J. Kwan: Well, that's too bad that the amendment is out of order, Mr. Chair, and I can't challenge that. Those are the rules of the House — although I did hear the Minister of Transportation heckle me by saying that that's a useless amendment. I want to put that on record, and I hope Hansard actually got that on record from the Minister of Transportation. I do not believe that that's useless.

The commencement of the act targets....

[1720]

Interjections.

J. Kwan: I thought I was on the beach, and the wild seals are around or something. But no, I'm in the legislative chamber debating this bill.

This bill deals with the commencement of the act. This government continuously denies that cuts in social programs and cuts in supports and services have any ramification for this bill.

The Chair: Member, please take your seat. Member, this is completely outside the bounds of this bill. We're dealing now with the commencement of this bill. Please confine your remarks — or questions, if you have a question on the commencement — to section 5.

J. Kwan: I have one question for the minister on this, and I also would just like to put some closing comments with respect to the debate of this bill, if I might.

Let me ask the question: when can we expect that this bill will come into force by regulation?

Hon. G. Plant: As I said earlier in the debate, one of the things I want to do is to sit down with the UBCM, with law enforcement officials, with the Safe Streets Coalition — and I would welcome input from interested members of the public — on the issue of the mechanics of enforcement. I don't expect that will be a long, drawn-out discussion, but I do want to have the benefit of their insight. We should be in a position to move forward to bring this bill into law in the next few months.

J. Kwan: Let me just close with these comments about this bill as we close debate.

The Chair: Member, confine your remarks to section 5. This is not an opportunity to restate your second reading debate. Section 5 — do you have any comments or questions? Proceed with that.

J. Kwan: Then let me just make these final comments to the minister about section 5. The government says that they will bring in the regulation in a couple of months. There's no commitment from this government on who will actually bring in social programs and program cuts that they have made that have created more challenges on our streets. That's according to front-line workers in communities who say that this government

has contributed to the increase in panhandling on our streets because of their cuts in resources and in funding.

In the few months' time that this minister says they will be bringing regulations in to bring this act into force, we actually don't hear the government's commitment around reinstating the funding that has been taken away from the construction of affordable housing but put into assisted living, for example.

The Attorney General said that this bill was necessary because communities across British Columbia don't have a provincewide law to deal with the issue. Municipal bylaws, particularly, were what he was referencing. It might be of interest for the Attorney General to note that maybe those communities who have the ability to bring in those bylaws — they have every ability to do so — and have not done so to date may speak to a reason why they haven't done that.

The Chair: Hon. member, please take your seat. Member, take your seat, please. Member, we have given you an awful lot of latitude. You are repeating basically the same argument you have done throughout this whole bill. I am now going to call the question.

Section 5 approved.

Title approved.

Hon. G. Plant: I move that the committee rise and report the bill complete with amendments.

Motion approved.

Interjections.

The Chair: Order, please. Member, please, maintain some order.

The committee rose at 5:24 p.m.

The House resumed; Mr. Speaker in the chair. [1725]

Reporting of Bills

Bill 71, Safe Streets Act, reported complete with amendments.

Mr. Speaker: When shall the bill be considered as read?

Hon. G. Plant: By leave, now, Mr. Speaker.

Leave not granted.

Mr. Speaker: Leave has not been granted, hon. members, so we will have to return at another sitting to pass third reading of this bill.

Hon. G. Plant moved adjournment of the House.

Motion approved.

Mr. Speaker: The House is adjourned until 10 a.m. tomorrow.

The House adjourned at 5:26 p.m.