



5th Session, 37th Parliament

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(HANSARD)

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(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR
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5TH SESSION, 37TH PARLIAMENT

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Morning Sitting

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TUESDAY, OCTOBER 26, 2004

The House met at 10:04 a.m.

Prayers.

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to present report No. 5, 2004-05, of the auditor general: *Salmon Forever: An Assessment of the Provincial Role in Sustaining Wild Salmon*.

[1005]

Orders of the Day

Hon. G. Plant: I call report on Bill 71.

Mr. Speaker: Hon. members, the question is third reading of Bill 71.

Just before we begin the debate on the bill, I just wish to apprise the members of the parameters to which debate is limited. It's an unusual occurrence — third reading debate.

Because all bills in this House come from Committee of the Whole, debate at third reading is limited. However, members have available to them the amendments to the motion for third reading that are available to the motion for second reading, always remembering that debate at this stage is strictly limited to the contents of the bill.

Third Reading of Bills

SAFE STREETS ACT

J. Kwan: I want to begin this morning by making a couple of points: first, why we're here and then about the substance of the bill. Over the last three and a half years, a very definite pattern has emerged with this government. With every seat in this Legislature save four, the government has developed a sense of complacency about the importance of this institution and about the debate that takes place in this House.

Mr. Speaker: Hon. member, please. Debate is limited to the contents of this bill — period. That goes for all members in this chamber. We will not hear spurious debate at this time.

J. Kwan: Yesterday I tried to make closing comments about this bill, and I was unable to do so. I did not have the opportunity that I think, in my close to ten years of being in the Legislature.... When a bill is before the House and before the final vote is voted on, usually I would have the opportunity to bring forward some closing comments. I was unable to do so yesterday. I tried, and I was unable to do so. In not having an opportunity to make my final case in the opposition about this bill.... That is why we're here today.

I know that the government doesn't have to agree with the opposition or listen to the opposition, politely or otherwise, or even show up. I know that they can heckle and they can scream and they can abuse. They have done so, as it is the tradition of this House often-times — for that is the theatre perhaps. That's why I think we sit two sword-lengths away, Mr. Speaker.

Let me just say that the government cannot, on a whim, decide that debate is over and the vote is called. The record of the opposition in dissent must be heard and dialogued. On this final day of debate....

Mr. Speaker: Hon. member, please take your seat for a moment. I wish to caution you again, and all members in the House, that debate on this bill was well canvassed at second reading, where a wide variety of topics are allowed. It was well canvassed clause by clause in committee, where many members strayed from the intent of committee. This is possibly the reason why your closing remarks were closed off yesterday in committee.

I caution the member again: the Chair will only listen to items pertaining to Bill 71 — period. Please proceed.

J. Kwan: Well, Mr. Speaker, thank you. Let me talk about the bill, about the substance of this bill — a bill that in my view was ill-thought-out. The Attorney General actually had to add two amendments to this skimpy piece of legislation that only has five sections to it — a bill that was so poorly drafted and overreaching that it makes asking for change for the phone or selling a newspaper at the ferry illegal. Those were the words of the Attorney General yesterday.

[1010]

The Attorney General conceded in this debate yesterday that the bill was so unnecessary and so obviously a political stunt that the mayors of B.C.'s two largest cities, Vancouver and Victoria, have panned the Attorney General's legislation.

I know that this government doesn't like to listen to Vancouver's mayor, so let me quote the mayor of Victoria instead. He said: "I do not believe we need the Safe Streets Act. We have the Criminal Code to deal with aggressive panhandlers."

The Attorney General yesterday tried to make the claim that the local governments needed a province-wide law. The Criminal Code, of course, applies to the entire province, but the Attorney General says that that's not good enough and that local governments needed this piece of legislation, notwithstanding — and I know some members in this House would appreciate this — that local governments have the authority to bring in any additional bylaws to address their specific situation. Legislation that governs local governments gives them that enabling authority. Some jurisdictions, some municipal governments have brought in those bylaws, and some haven't. Maybe that tells a story. Maybe that should be implicit — why not every municipality has a bylaw to deal with this issue.

This is a bill for which the question of constitutionality is in question, a fact that even the Attorney General had to admit in debate yesterday.

Yes, one point that the Attorney General refused to acknowledge in yesterday's debate is the relationship between poverty and homelessness and this government's crackdown on panhandlers and the poor begging for food. The Attorney General said that homelessness has nothing to do with the desperation of people on our streets. I beg to differ. This is despite the fact that Linda Thomas, the housing director at the Vancouver coastal health authority, has stated about the housing situation under this B.C. Liberal government:

"During the 1990s Thomas was able to create housing" — she said — "for the mentally ill by going to non-profit groups, building housing for families or singles and offering them support staff, paid for from her budget, if the housing society would agree to reserve some units for the VCHA patients. The Liberal provincial government has essentially stopped building low-income social housing as it previously existed, focusing instead on projects for the elderly and disabled. There isn't any of that general housing anymore."

The fact is that the government took money that used to be used for building affordable housing away from that development and put them into assisted living. This is despite the fact that Linda Mix of the Tenants Rights Action Coalition backs this up, stating: "While the NDP government spent most of its housing budget on new units for low-income people, the Liberals focused instead on independent living." A direct quote: "The B.C. Liberal government is taking money from the housing envelope and putting it into the health care envelope."

The Attorney General states that his government and this bill have nothing to do with increased desperation on our streets, despite the fact that a September 2004 Statistics Canada report shows that B.C. now has the biggest gap between the rich and the poor of all the provinces. Similar studies indicate that during this government's tenure, poverty has 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.

[1015]

After all, despite how much the Attorney General and the members on the other side hate to hear it, this is a government that has cut the very programs and supports that keep people off the streets and protect public safety. This government has cut or eliminated funding and has reduced programs for the construction of affordable housing, for street-level youth programs, for victim assistance programs and for street-level mental health programs. The government has even refused to put forward an organized crime task force.

The government has cut legal aid. This bill will attack the very people who cannot afford legal assistance, and they will have no recourse. The government has cut Crown prosecutors' funding — the very people that try to address crime and safety in our communities. The government has cut funding for advocacy for people to keep them off the streets — to name a few

programs, PEERS, WISH Drop-in Centre and countless others. Those programs were designed to get people off the streets, to make it safer for everyone, and this government has cut those programs.

I want to just touch on the constitutionality issue for one more minute. The Attorney General, by his own admission yesterday, stated that in Ontario the Safe Streets Act is under the Court of Appeal. It is questionable whether or not that act will stand up in a court of law on the issue around constitutionality. That issue here is before us, I expect, sometime in the future. I expect that this bill will be challenged, and I expect that constitutional issues will be raised.

I want to make a final comment about this bill. There are a lot of people out there, a lot of pundits and what have you, saying: "Well, this is the popular vote." The government, by their own admission, says it's a popular-vote issue. You know what? Sometimes being in government isn't just about being popular. Good public policies should override what is popular and what is not. It is the opposition's point of view that sometimes you have to do something because you believe it is the right thing to do. That's what the opposition will be doing.

We believe it is the right thing to do — to vote against this bill — because it does not address the issue of crime and safety. It does not, in my view — under the government's leadership or lack thereof — put programs in place that would ease the many challenges on our streets.

Governments should not be bringing forward policies that divide communities and pit communities against each other, but rather should work toward bringing communities together. Good public policy should be based on substance and not just a cheap political trick.

Mr. Speaker: Hon. members, we are at third reading of Bill 71. The Attorney General closes debate.

Hon. G. Plant: I acknowledge that we are now having the third reading debate that we could have had yesterday evening. As has been the case throughout this debate, I have waited for a critique of the legislation from the opposition. I have yet to hear it. I have heard criticism about other matters. I heard it again this morning.

The opposition argue that we should be arguing about homelessness. This is not a bill about homelessness. The opposition would like this to be a debate about how to house the mentally ill. This is not a bill about housing the mentally ill.

[1020]

This is a bill about safety on our streets. It is a bill which says that the right of free passage on the streets of British Columbia is a fundamental right, and there is a role for the provincial Legislature in establishing a provincewide set of rules that have the force of law in ensuring that the citizens of British Columbia do have the right of free passage on the streets without being harassed or intimidated or abused or beset by those who abuse their own right as citizens to be on the streets.

This bill recognizes that those who wish or feel they are obliged by circumstance to panhandle or beg are free to do so. They have the right to be on the streets, just as all of us do. But they do not have the right to use their right to be on the streets to intimidate and to beligerently verbally abuse people, to block their right of passage, to take advantage of their presence in situations where citizens are waiting to make a phone call or using a cash machine.

Mr. Speaker, I have heard the opposition, during the course of this debate, raise questions about constitutional arguments. I have waited in vain for them to make the constitutional argument. If they say there is a constitutional argument, then I would respectfully suggest it's their obligation to explain it. They don't explain it. Just as they have not critiqued the bill, they have not offered in this chamber a critique of the constitutional issue.

We are here debating a bill. We are not here debating larger social policy questions, which are important and which deserve debate and which have been debated in this chamber on other occasions and which will be debated on other occasions. But at the end of the day, the question on this reading — as it was the question yesterday in committee stage debate, as it was the question in second reading — is: what are the standards of behaviour and action that we as legislators believe should be permitted on the streets?

To vote for this bill is to say that there should be standards; that there should be a provincewide code of standards; that there should be the force of law behind those standards; and that the police and peace officers should, in appropriate cases, have the tools they need to ensure that all citizens have the right of free passage.

To vote against this bill, simply put, is to vote against that proposition. To vote against the bill is to say that the citizens of this province should not have the right to pass unmolested on the streets of this province. To vote against this bill is to say that people should have the right to verbally abuse citizens when they are panhandling. To vote against this bill is to vote in favour of the right of some citizens — a small group of citizens — to harass and bully and intimidate others.

I don't think that's what British Columbians want us to do in this chamber. I think British Columbians want us to vote in favour of standards which should apply equally and for the benefit of all.

During the course of the debate, from time to time we came close to talking about the way in which this bill will also operate to protect those who are disadvantaged, because no one should be abused or intimidated or dealt with in the way that is proscribed by this bill. Maybe a homeless person.... Does that give a couple of punk kids from some suburb the right to take a bus and go visit a downtown neighbourhood and beat up on, verbally or otherwise, a homeless person? I don't think so, and this law will prevent that. This law will protect those who are disadvantaged from being taken advantage of, the same way it protects all the rest of us in British Columbia.

I have waited for the criticism of the bill on its terms. The opposition has not offered that criticism. All

they can do is talk about other issues. I think it's time that we as legislators decide if we're for safe streets.

Mr. Speaker: Hon. members, the question before the House is third reading of Bill 71.

[1025-1030]

Third reading of Bill 71 approved on the following division:

YEAS — 49

Falcon	Les	Wong
Chong	Locke	Hansen
Harris	Bruce	Santori
Bell	van Dongen	Roddick
Bray	Cobb	Lee
Murray	Plant	Brice
de Jong	L. Reid	Penner
Anderson	Jarvis	Orr
Nuraney	Nebbeling	R. Stewart
Hunter	Chutter	Long
Johnston	Krueger	J. Reid
Hawes	McMahon	Brenzinger
Stephens	Masi	Nijjar
Bhullar	Visser	Lekstrom
K. Stewart	Bloy	Suffredine
Whittred	Sultan	Kerr
	Manhas	

NAYS — 2

Kwan	Nettleton
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Bill 71, Safe Streets Act, read a third time and passed.

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

[1035-1040]

Royal Assent to Bills

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

Clerk of the House:

Safe Streets Act

Social Service Tax Amendment Act (No. 2), 2004

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

Her Honour the Lieutenant-Governor retired from the chamber.

[Mr. Speaker in the chair.]

[1045]

Hon. G. Plant: I move that the House at its rising do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the government, that the public interest requires that the House shall meet or until the Speaker may be advised by the government that it is desired to prorogue the fifth session of the thirty-seventh parliament of the province of British Columbia. The Speaker may give notice that he is so satisfied or has been so advised, and thereupon the House shall meet at the time stated in such notice and, as the case may be, may transact its business as if it has been duly adjourned to that time and date, and that in the event of the Speaker being unable to act owing to

illness or other cause, the Deputy Speaker shall act in his stead for the purpose of this order.

Hon. G. Plant moved adjournment of the House.

Motion approved.

Mr. Speaker: Hon. members, I wish you all safe journeys as you travel to your constituencies to continue your work there. In case I do not see you, have a very merry Christmas.

The House adjourned at 10:46 a.m.