



3rd Session, 37th Parliament

OFFICIAL REPORT OF

DEBATES OF THE
LEGISLATIVE ASSEMBLY

(HANSARD)

Thursday, May 9, 2002

Afternoon Sitting

Volume 7, Number 10

THE HONOURABLE CLAUDE RICHMOND, SPEAKER

ISSN 0709-1281

PROVINCE OF BRITISH COLUMBIA
(Entered Confederation July 20, 1871)

LIEUTENANT-GOVERNOR
Honourable Iona Campagnolo

3RD SESSION, 37TH PARLIAMENT

SPEAKER OF THE LEGISLATIVE ASSEMBLY
Honourable Claude Richmond

EXECUTIVE COUNCIL

Premier and President of the Executive Council.....	Hon. Gordon Campbell
Minister of State for Intergovernmental Relations.....	Hon. Greg Halsey-Brandt
Deputy Premier and Minister of Education	Hon. Christy Clark
Minister of Advanced Education	Hon. Shirley Bond
Minister of Agriculture, Food and Fisheries.....	Hon. John van Dongen
Attorney General and Minister Responsible for Treaty Negotiations.....	Hon. Geoff Plant
Minister of Children and Family Development.....	Hon. Gordon Hogg
Minister of State for Early Childhood Development.....	Hon. Linda Reid
Minister of Community, Aboriginal and Women's Services.....	Hon. George Abbott
Minister of State for Community Charter.....	Hon. Ted Neibling
Minister of State for Women's Equality	Hon. Lynn Stephens
Minister of Competition, Science and Enterprise	Hon. Rick Thorpe
Minister of State for Deregulation	Hon. Kevin Falcon
Minister of Energy and Mines.....	Hon. Richard Neufeld
Minister of Finance	Hon. Gary Collins
Minister of Forests	Hon. Michael de Jong
Minister of Health Planning.....	Hon. Sindi Hawkins
Minister of Health Services.....	Hon. Colin Hansen
Minister of State for Mental Health.....	Hon. Gulzar S. Cheema
Minister of State for Intermediate, Long Term and Home Care.....	Hon. Katherine Whittred
Minister of Human Resources.....	Hon. Murray Coell
Minister of Management Services.....	Hon. Sandy Santori
Minister of Provincial Revenue.....	Hon. Bill Barisoff
Minister of Public Safety and Solicitor General	Hon. Rich Coleman
Minister of Skills Development and Labour.....	Hon. Graham P. Bruce
Minister of Sustainable Resource Management.....	Hon. Stan Hagen
Minister of Transportation.....	Hon. Judith Reid
Minister of Water, Land and Air Protection.....	Hon. Joyce Murray

LEGISLATIVE ASSEMBLY

Deputy Speaker.....	John Weisbeck
Leader of the Opposition	Joy MacPhail
Deputy Chair, Committee of the Whole	Harold Long
Clerk of the Legislative Assembly	E. George MacMinn
Clerk Assistant	Robert Vaive
Clerk Assistant and Law Clerk	Ian D. Izard
Clerk Assistant and Clerk of Committees.....	Craig H. James
Clerk Assistant/Committee Clerk.....	Kate Ryan-Lloyd
Sergeant-at-Arms.....	A.A. Humphreys
Director, Hansard Services	Anthony Dambrauskas
Legislative Librarian.....	Joan A. Barton
Legislative Comptroller	Peter Bray

Published by British Columbia Hansard Services, and printed under the authority of the Speaker by the Queen's Printer, Victoria. Rates: single issue, \$2.85; per calendar year, mailed daily, \$298. GST extra. Agent: Crown Publications Inc., 521 Fort St., Victoria, B.C. V8W 1E7. Telephone: (250) 386-4636. Fax: 386-0221.

Internet: www.legis.gov.bc.ca/hansard

ALPHABETICAL LIST OF MEMBERS

Abbott, Hon. George (L)	Shuswap
Anderson, Val J. (L)	Vancouver-Langara
Barisoff, Hon. Bill (L)	Penticton-Okanagan Valley
Bell, Pat (L)	Prince George North
Belsey, Bill (L)	North Coast
Bennett, Bill (L)	East Kootenay
Bhullar, Tony (Ind L)	Surrey-Newton
Bloy, Harry (L)	Burquitlam
Bond, Hon. Shirley (L)	Prince George-Mount Robson
Bray, Jeff (L)	Victoria-Beacon Hill
Brenzinger, Elayne (L)	Surrey-Whalley
Brice, Susan (L)	Saanich South
Bruce, Hon. Graham P. (L)	Cowichan-Ladysmith
Campbell, Hon. Gordon (L)	Vancouver-Point Grey
Cheema, Hon. Gulzar S. (L)	Surrey-Panorama Ridge
Chong, Ida (L)	Oak Bay-Gordon Head
Christensen, Tom (L)	Okanagan-Vernon
Chutter, Dave (L)	Yale-Lillooet
Clark, Hon. Christy (L)	Port Moody-Westwood
Cobb, Walt (L)	Cariboo South
Coell, Hon. Murray (L)	Saanich North and the Islands
Coleman, Hon. Rich (L)	Fort Langley-Aldergrove
Collins, Hon. Gary (L)	Vancouver-Fairview
de Jong, Hon. Michael (L)	Abbotsford-Mount Lehman
Falcon, Hon. Kevin (L)	Surrey-Cloverdale
Hagen, Hon. Stan (L)	Comox Valley
Halsey-Brandt, Hon. Greg (L)	Richmond Centre
Hamilton, Arnie (L)	Esquimalt-Metchosin
Hansen, Hon. Colin (L)	Vancouver-Quilchena
Harris, Roger (L)	Skeena
Hawes, Randy (L)	Maple Ridge-Mission
Hawkins, Hon. Sindi (L)	Kelowna-Mission
Hayer, Dave S. (L)	Surrey-Tynehead
Hogg, Hon. Gordon (L)	Surrey-White Rock
Hunter, Mike (L)	Nanaimo
Jarvis, Daniel (L)	North Vancouver-Seymour
Johnston, Ken (L)	Vancouver-Fraserview
Kerr, Brian J. (L)	Malahat-Juan de Fuca
Krueger, Kevin (L)	Kamloops-North Thompson
Kwan, Jenny Wai Ching (NDP)	Vancouver-Mount Pleasant
Lee, Richard T. (L)	Burnaby North
Lekstrom, Blair (L)	Peace River South
Les, John (L)	Chilliwack-Sumas
Locke, Brenda (L)	Surrey-Green Timbers
Long, Harold (L)	Powell River-Sunshine Coast
MacKay, Dennis (L)	Bulkley Valley-Stikine
McMahon, Wendy (L)	Columbia River-Revelstoke
MacPhail, Joy (NDP)	Vancouver-Hastings
Manhas, Karn (L)	Port Coquitlam-Burke Mountain
Masi, Reni (L)	Delta North
Mayencourt, Lorne (L)	Vancouver-Burrard
Murray, Hon. Joyce (L)	New Westminster
Nebbeling, Hon. Ted (L)	West Vancouver-Garibaldi
Nettleton, Paul (L)	Prince George-Omineca
Neufeld, Hon. Richard (L)	Peace River North
Nijjar, Rob (L)	Vancouver-Kingsway
Nuraney, John (L)	Burnaby-Willingdon
Orr, Sheila (L)	Victoria-Hillside
Penner, Barry (L)	Chilliwack-Kent
Plant, Hon. Geoff (L)	Richmond-Steveston
Reid, Hon. Judith (L)	Nanaimo-Parksville
Reid, Hon. Linda (L)	Richmond East
Richmond, Hon. Claude (L)	Kamloops
Roddick, Valerie (L)	Delta South
Sahota, Patty (L)	Burnaby-Edmonds
Santori, Hon. Sandy (L)	West Kootenay-Boundary
Stephens, Hon. Lynn (L)	Langley
Stewart, Ken (L)	Maple Ridge-Pitt Meadows
Stewart, Richard (L)	Coquitlam-Maillardville
Suffredine, Blair F. (L)	Nelson-Creston
Sultan, Ralph (L)	West Vancouver-Capilano
Thorpe, Hon. Rick (L)	Okanagan-Westside
Trumper, Gillian (L)	Alberni-Qualicum
van Dongen, Hon. John (L)	Abbotsford-Clayburn
Visser, Rod (L)	North Island
Weisbeck, John (L)	Kelowna-Lake Country
Whitred, Hon. Katherine (L)	North Vancouver-Lonsdale
Wilson, John (L)	Cariboo North
Wong, Patrick (L)	Vancouver-Kensington

LIST OF MEMBERS BY RIDING

Abbotsford-Clayburn	Hon. John van Dongen
Abbotsford-Mount Lehman	Hon. Michael de Jong
Alberni-Qualicum	Gillian Trumper
Bulkley Valley-Stikine	Dennis MacKay
Burnaby North	Richard T. Lee
Burnaby-Edmonds	Patty Sahota
Burnaby-Willingdon	John Nuraney
Burquitlam	Harry Bloy
Cariboo North	John Wilson
Cariboo South	Walt Cobb
Chilliwack-Kent	Barry Penner
Chilliwack-Sumas	John Les
Columbia River-Revelstoke	Wendy McMahon
Comox Valley	Hon. Stan Hagen
Coquitlam-Maillardville	Richard Stewart
Cowichan-Ladysmith	Hon. Graham P. Bruce
Delta North	Reni Masi
Delta South	Valerie Roddick
East Kootenay	Bill Bennett
Esquimalt-Metchosin	Arnie Hamilton
Fort Langley-Aldergrove	Hon. Rich Coleman
Kamloops	Hon. Claude Richmond
Kamloops-North Thompson	Kevin Krueger
Kelowna-Lake Country	John Weisbeck
Kelowna-Mission	Hon. Sindi Hawkins
Langley	Hon. Lynn Stephens
Malahat-Juan de Fuca	Brian J. Kerr
Maple Ridge-Mission	Randy Hawes
Maple Ridge-Pitt Meadows	Ken Stewart
Nanaimo	Mike Hunter
Nanaimo-Parksville	Hon. Judith Reid
Nelson-Creston	Blair F. Suffredine
New Westminster	Hon. Joyce Murray
North Coast	Bill Belsey
North Island	Rod Visser
North Vancouver-Lonsdale	Hon. Katherine Whitred
North Vancouver-Seymour	Daniel Jarvis
Oak Bay-Gordon Head	Ida Chong
Okanagan-Vernon	Tom Christensen
Okanagan-Westside	Hon. Rick Thorpe
Peace River North	Hon. Richard Neufeld
Peace River South	Blair Lekstrom
Penticton-Okanagan Valley	Hon. Bill Barisoff
Port Coquitlam-Burke Mountain	Karn Manhas
Port Moody-Westwood	Hon. Christy Clark
Powell River-Sunshine Coast	Harold Long
Prince George North	Pat Bell
Prince George-Mount Robson	Hon. Shirley Bond
Prince George-Omineca	Paul Nettleton
Richmond Centre	Hon. Greg Halsey-Brandt
Richmond East	Hon. Linda Reid
Richmond-Steveston	Hon. Geoff Plant
Saanich North and the Islands	Hon. Murray Coell
Saanich South	Susan Brice
Shuswap	Hon. George Abbott
Skeena	Roger Harris
Surrey-Cloverdale	Hon. Kevin Falcon
Surrey-Green Timbers	Brenda Locke
Surrey-Newton	Tony Bhullar
Surrey-Panorama Ridge	Hon. Gulzar S. Cheema
Surrey-Tynehead	Dave S. Hayer
Surrey-Whalley	Elayne Brenzinger
Surrey-White Rock	Hon. Gordon Hogg
Vancouver-Burrard	Lorne Mayencourt
Vancouver-Fairview	Hon. Gary Collins
Vancouver-Fraserview	Ken Johnston
Vancouver-Hastings	Joy MacPhail
Vancouver-Kensington	Patrick Wong
Vancouver-Kingsway	Rob Nijjar
Vancouver-Langara	Val J. Anderson
Vancouver-Mount Pleasant	Jenny Wai Ching Kwan
Vancouver-Point Grey	Hon. Gordon Campbell
Vancouver-Quilchena	Hon. Colin Hansen
Victoria-Beacon Hill	Jeff Bray
Victoria-Hillside	Sheila Orr
West Kootenay-Boundary	Hon. Sandy Santori
West Vancouver-Capilano	Ralph Sultan
West Vancouver-Garibaldi	Hon. Ted Nebbeling
Yale-Lillooet	Dave Chutter

CONTENTS

Thursday, May 9, 2002
Afternoon Sitting

Routine Proceedings

	Page
Introductions by Members	3333
Introduction and First Reading of Bills	3333
Environmental Assessment Act (Bill 38)	
Hon. S. Hagen	
Advanced Education Statutes Amendment Act, 2002 (Bill 50)	
Hon. G. Collins	
Public Safety and Solicitor General Statutes Amendment Act, 2002 (Bill 51)	
Hon. R. Coleman	
The Hunting and Fishing Heritage Act (Bill M204)	
B. Bennett	
Statements (Standing Order 25B).....	3335
Actions against Liberal MLAs	
B. Lekstrom	
Health care in Mission	
R. Hawes	
Opportunities for B.C. youth	
K. Manhas	
Introductions by Members	3336
Oral Questions	3336
Negotiations with physicians	
J. MacPhail	
Hon. C. Hansen	
Preventative health care services for children	
J. Kwan	
Hon. C. Hansen	
Government support for farmers and agriculture industry	
B. Lekstrom	
Hon. J. van Dongen	
Government support for forest industry	
R. Visser	
Hon. S. Hagen	
Committee of the Whole House	3339
Employment and Assistance for Persons with Disabilities Act (Bill 27) (<i>continued</i>)	
J. MacPhail	
Hon. M. Coell	
J. Kwan	
S. Orr	
Third Reading of Bills.....	3355
Legal Services Society Act (Bill 45)	

Royal Assent to Bills	3355
McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement Amendment Act, 2002 (Bill 10)	
Degree Authorization Act (Bill 15)	
Interjurisdictional Support Orders Act (Bill 23)	
Securities Amendment Act, 2002 (Bill 29)	
Trustee Investment Statutes Amendment Act, 2002 (Bill 30)	
Environment Management Amendment Act, 2002 (Bill 31)	
Waste Management Amendment Act, 2002 (Bill 32)	
Deregulation Statutes Amendment Act (No. 2), 2002 (Bill 35)	
Energy and Mines Statutes Amendment Act, 2002 (Bill 36)	
Food Safety Act (Bill 37)	
Legal Services Society Act (Bill 45)	

THURSDAY, MAY 9, 2002

The House met at 2:04 p.m.

Introductions by Members

Hon. S. Hagen: It's a great honour and privilege today to introduce some guests here from Thailand, from the beautiful city of Suphanburi, which is certainly one of the more beautiful cities in that country. These are all folks who are here visiting the city of Courtenay, my hometown, because they are sister cities. I'm not going to read all the names, but I've passed the list on to Hansard. They are accompanied by city of Courtenay staff Mickie Donley, Dennis Henderson and Raegan Spence. Would the House please assist me in making them welcome.

[1405]

Hon. J. Reid: It's my pleasure to introduce in the House today my mother, Peggy Kubin, and my aunt and her husband, Joan and Norman Sagerson from Chicago. I'd ask the House to make them warmly welcome.

J. Nuraney: I have great pleasure in introducing a friend of many years, who is also the vice-president of the Insurance Bureau of Canada, Lindsay Olson. She is with us today, and I would like the House to make her welcome.

D. Hayer: I am very pleased to introduce a group of 70 grade 5 students from William F. Davidson Elementary in my constituency of Surrey-Tynehead, led by their respected teachers Mrs. Buckham, Mrs. Fowler, Mrs. Takhar and Mrs. Guilmont-Smith. Among them is my nephew, Shaun Bains. They will be visiting the Legislature tomorrow morning.

Will the House please make them most welcome.

S. Orr: I would like to introduce in the House today nine very, very special people who are not only special people, but they're my very good friends. I do have friends. These people are people that work in my constituency office and volunteer in my constituency office. These people make my life incredibly easy, and I cannot thank them enough, as none of us can thank our volunteers enough. They are Gill Wall, Catherine Campbell, Bev Mallett, Trish Fougner, Doris McLennan, Diane Patterson, Jane Simmons, Trisha Gerard and Vikki Simmons.

Would this House please make them all welcome.

B. Bennett: I'd like to introduce two constituents from the East Kootenay, Faye and Steve Street, who are ranchers. They own Mountain Meadow Ranch in the East Kootenay. They're up there somewhere.

They're down here doing what they're always doing, which is advocating for the ranching industry here in this province — two of the hardest-working people I

know and great, great people. Would you all help me make them welcome.

I. Chong: I'm pleased to introduce today a constituent of mine, Mary McSevenry. She is in the gallery with relatives visiting from Argyllshire, Scotland. Mr. and Mrs. Tommy McCoban and Mr. and Mrs. Robert McSevenry have travelled across Canada by train, making various stops along the way. While in western Canada they will be travelling around British Columbia, visiting other relatives and enjoying our very wonderful attractions and scenery.

Would the House please make them all very welcome.

L. Mayencourt: It's my pleasure to introduce some individuals visiting here from Masset, British Columbia, on the Queen Charlotte Islands. We have Mr. D. Cyr from Tahayghen Elementary School, and he is joined by 22 smiling people from the grade 7 class at that school. Please make them welcome.

Introduction and First Reading of Bills

ENVIRONMENTAL ASSESSMENT ACT

Hon. S. Hagen presented a message from Her Honour the Lieutenant-Governor: a bill intituled Environmental Assessment Act.

Hon. S. Hagen: I move that the bill be introduced and read a first time now.

Motion approved.

Hon. S. Hagen: It gives me a great deal of pleasure to introduce this bill today, one that initiates a much-needed and prudent reform of British Columbia's environmental assessment process. This bill puts in place a more streamlined and flexible process for conducting environmental assessments of major projects in the province.

[1410]

I'm pleased to say this bill supports the government's goals for a thriving economy based on sustainable economic development of our natural resources. Importantly, this legislation improves the environmental assessment process without compromising high environmental standards and ensures that communities throughout the province can benefit from sustainably developed projects.

British Columbians have raised concerns about the inflexibility of the current one-size-fits-all process and the amount of time taken to complete reviews and make decisions under the current Environmental Assessment Act. This government has listened. Under this bill, it will be possible to better tailor assessment procedures to the circumstances and issues presented by each project. At the same time, the bill will continue to

ensure that meaningful consultation with the public and first nations is provided for and that key issues are fully addressed.

The neutral environmental assessment office will have an increased role to play in oversight functions and ensuring the act is implemented in a timely and responsible fashion.

I move that the bill be placed on the orders for the day for second reading at the next sitting of the House after today.

Bill 38 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

ADVANCED EDUCATION STATUTES AMENDMENT ACT, 2002

Hon. G. Collins presented a message from Her Honour the Lieutenant-Governor: a bill intituled Advanced Education Statutes Amendment Act, 2002.

Hon. G. Collins: I move that Bill 50 be introduced and read a first time now.

Motion approved.

Hon. G. Collins: On behalf of my colleague the Minister of Advanced Education, I'm introducing today Bill 50.

Bill 50 amends the Engineers and Geoscientists Act to authorize the Association of Professional Engineers and Geoscientists of British Columbia to make bylaws requiring that the members of the association carry both primary and secondary liability insurance. In addition, the amendments will authorize the association to establish insurance fees and other fees, either by bylaw or under the authority of a bylaw. These amendments will enable the association to participate in a national secondary liability insurance program established by the Canadian Council of Professional Engineers. The amendments will also enable the association to make bylaws establishing the circumstances under which its members are required to hold primary liability insurance.

As well, this bill amends the Technical University of British Columbia Act so that the government can appoint a transition administrator to wind up the Technical University of British Columbia. The amendments will also provide for transfer of the university's assets and liabilities and for repeal of the Technical University of British Columbia Act.

After extensively reviewing a number of business plans from Tech B.C. and seven proposals from other institutions, government decided previously to have Simon Fraser University assume responsibility for students and assets of Tech B.C. and its operation at Surrey Place Mall. The decision not to proceed with the Technical University of British Columbia was made at an open cabinet meeting on February 7 of this year. This legislation will implement that decision. SFU will

continue to offer Tech B.C. programs and eventually integrate these with a Simon Fraser University degree program.

Interjections.

Hon. G. Collins: Our Surrey members, Mr. Speaker.

Not only will SFU accommodate current Tech B.C. students, but they'll expand to 800 FTEs at the university's present location in the city of Surrey. This is great news not only for the students and staff at Tech B.C. but also for the growing community of Surrey.

I move that the bill be placed on orders of the day for second reading at the next sitting of the House after today.

Bill 50 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

PUBLIC SAFETY AND SOLICITOR GENERAL STATUTES AMENDMENT ACT, 2002

Hon. R. Coleman presented a message from Her Honour the Lieutenant-Governor: a bill intituled Public Safety and Solicitor General Statutes Amendment Act, 2002

Hon. R. Coleman: I move that Bill 51 be read a first time now.

Motion approved.

Hon. R. Coleman: I am pleased to introduce Bill 51. This bill amends the Crime Victim Assistance Act, the Criminal Records Review Act and the Motion Picture Act.

The new crime victim assistance program will come into force this summer. It transfers programs and services for victims of crime from the Workers Compensation Board to the Ministry of Public Safety and Solicitor General.

[1415]

The new crime victim assistance program provides several new benefits to victims of crime. The amendments specify which benefits will be available for which category of applicant. The changes also streamline the administration of the new program.

The criminal records review program protects children by requiring anyone who is employed, licensed or funded by the government and who works with children and who has unsupervised access to children through their work to get a criminal-record check. The program is funded entirely by government and costs \$1.2 million each year to administer. Amendments to the Criminal Records Review Act will ensure that the program is sustainable by creating a cost-recovery fee to be paid by the individual or employer requesting the check. This fee will be in line with fees currently charged by police departments. The registrar of the

criminal-records review program will have the discretion to waive the fee when appropriate.

Another change will streamline the adjudication process and eliminate the appeal panel. This panel is not necessary, because since the program started in 1996, there have only been nine appeals.

Changes to the Motion Picture Act will ensure more efficient use of resources by allowing the province to adopt ratings for films, videos and new media from other jurisdictions rather than requiring the film classification office to independently review each of these media, as is currently the case. The amendments will also eliminate the Motion Picture Appeal Board, which reviews classification decisions. Fewer than ten decisions are appealed each year.

I move that the bill be placed on orders of the day for second reading at the next sitting of the House after today.

Bill 51 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

THE HUNTING AND FISHING HERITAGE ACT

B. Bennett presented a bill intitled The Hunting and Fishing Heritage Act.

B. Bennett: I move the bill be introduced and read a first time now.

Motion approved.

B. Bennett: This is a very simple bill, but it's important to thousands of British Columbians. This bill acknowledges the legitimacy of hunting and fishing that is done in accordance with the law and recognizes that hunters and anglers play an indispensable role in the wise management of fish and wildlife in this beautiful province.

I move that the bill be placed on orders of the day for second reading at the next sitting of the House after today.

Bill M204 introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Statements (Standing Order 25B)

ACTIONS AGAINST LIBERAL MLAS

B. Lekstrom: In recent weeks there's been a dangerous escalation of the protest that has no place in our democratic system. For over 15 years I was on and worked with the executive of the Telecommunications Workers Union, Local 34, in my area. I fought hard at the bargaining table, and I walked the picket line, and I participated in many protests, which certainly is one of

my rights. Never once did I consider attempting to thwart the democratic process through the aggressive and increasingly invasive tactics condoned and encouraged today.

In particular, there are several recent examples that trouble me greatly: an early morning protest at the private home of an MLA, the forceful occupation of an MLA's office, a protest rally held at the private home of our Premier, and the unconscionable actions of six HEU members on a recent commercial flight and their appalling behaviour towards our Premier in the airport.

As a former union official I'm furious at the extent to which all of these tactics are tolerated, if not condoned, by some union leaders. Through their inflammatory rhetoric and undemocratic tactics, they are drowning out constructive dialogue in our province. In my books any union leader or political leader that condones these tactics or, worse, fails to condemn them is not much of a leader in my eyes.

HEALTH CARE IN MISSION

R. Hawes: Mission Memorial Hospital and its dedicated health care providers have given excellent service to the Mission citizens for many, many years. In the wave of much-needed change sweeping across health care in British Columbia, Mission Memorial Hospital cannot exist as an island, untouched. Health care providers in the community have asked me to bring political pressure to bear on the government to stop the change. The government has, however, agreed with the British Columbia Medical Association, who have strongly stated that political interference in the day-to-day operation of health care has made long-term planning impossible. They state that politicians should back away from manipulating the management of the health care system. The government has agreed with this.

[1420]

I now wish to encourage Mission's health care providers, its mayor Abe Neufeld, his council and others to continue showing great leadership by developing the progressive and innovative proposal we have discussed in the past. This proposal would create new clinically, medically and fiscally sound and innovative services for the whole region and would see services we in Mission feel are essential preserved in the Mission Memorial Hospital.

I urge the Fraser health authority to encourage this type of innovation and to work collaboratively and cooperatively with health care providers in an atmosphere of respect and consultation. This will be critical to building an integrated and responsive system that works for all of us. I would further urge the ministers of Health Services and Health Planning to ensure that there is a venue in the Fraser health authority — and, for that matter, in all health authorities — where the clinical and medical views of health providers will be consulted, and innovative proposals will not just be listened to but will also be encouraged and actually heard in a spirit of collaboration.

OPPORTUNITIES FOR B.C. YOUTH

K. Manhas: This week we mark B.C. Youth Week, a celebration of the efforts, energies and positive contributions of youth around the province and a recognition of the important role that youth play in their communities year-round.

We all know that young people play an extremely important role in the sustainability and future success of a community. But according to Statistics Canada, from 1996 to 2001, 45,510 British Columbians under 45 left the province. As a young person myself, I nearly left the province in those years. The last government left B.C. in such a staggering state that many young people looked at better opportunities elsewhere.

Alberta, on the other hand, seems to have gotten it right in attracting young people. Alberta managed to attract 126,565 people under 45 from other Canadian provinces during that same period.

I'm tired of seeing young people feel like they have to pick up and move, to leave B.C., in order to build a positive future for themselves. That is changing, and there is no doubt that this government's initiatives to increase viability of business and to attract trade and investment to B.C. will provide more opportunities for everyone in the province.

The Ministry of Skills Development and Labour and the Ministry of Competition, Science and Enterprise are charged with developing a youth strategy. It is important that we remember how important youth are to the success of this province. We've got to keep young people in B.C. We need to ensure that B.C. youth want to stay in this province, because opportunities exist for them to build a bright future here in B.C.

We need to move forward with an articulated youth strategy and continued measures to address youth unemployment. We also need to attract more young people to come to B.C. We'll do that if young people start finding that they have the opportunities they need to succeed here in B.C. We need to create an attractive and exciting place for young people to stay in and move to, to build and create opportunities for their and our future.

Introductions by Members

Hon. R. Neufeld: I ask leave to make an introduction.

Leave granted.

Hon. R. Neufeld: I appreciate it.

Further to the member for Port Coquitlam-Burke Mountain, Jeff Morrison has joined us in the gallery today. He is an energy policy expert who moved here from Calgary after tax reductions were introduced by the Minister of Finance. This young man is joined today by his mother, Lily, visiting from Ontario. Would the House please make them welcome.

Oral Questions

NEGOTIATIONS WITH PHYSICIANS

J. MacPhail: Today we see once again that the doctors' dispute has degenerated into name-calling, and there are no new talks scheduled. The doctors and the government can't even agree on the most basic of facts.

I wonder why the government has decided to do away with the binding arbitration mechanism that would be so important in these circumstances and why, without one, disagreements degenerate...

Interjection.

Mr. Speaker: Order, please.

J. MacPhail: ...into disputes that put patients at risk.

To the Minister of Health Services: at the beginning of today, another day of this dispute, will he now admit that it was a mistake to get rid of binding arbitration, and will he agree to a new binding arbitration process to end this dispute?

[1425]

Hon. C. Hansen: The previous government two years ago, as the member well knows, put in place a binding arbitration process that had very specific terms of reference attached to it to protect the interests of taxpayers in British Columbia. Those terms of reference included a provision that the financial circumstances of the province had to be taken into consideration and that the operational and management needs of the health authorities had to be taken into consideration.

In the arbitration process those two issues were not adequately dealt with by the arbitrator. The binding arbitration process did not work. It did not serve the purpose it was intended to serve. When the memorandum of understanding was signed with the B.C. Medical Association six weeks ago, the Premier made it clear that binding arbitration was not on the table, and the president of the B.C. Medical Association acknowledged that at the time. She has acknowledged it on several occasions since.

Quite frankly, I think it's inappropriate for physicians in British Columbia to be denying care to their patients throughout this province when in reality what should be taking place is negotiations at a negotiating table. We are more than willing to resume those negotiations this afternoon, tomorrow or whenever possible so that we can put patient interests first and allow these other issues to be solved where they need to be solved — at a negotiating table.

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

J. MacPhail: It's disappointing that the Minister of Health Services continues the name-calling. The government is saying...

Interjections.

Mr. Speaker: Order, please.

J. MacPhail: ...that the doctors are asking for more money, and the doctors are saying that the minister isn't telling the truth. The government says the Canada Health Act does not require binding arbitration. The doctors say it does. Both sides are engaged in spin operations to present to the public their point of view. This is no way to handle a dispute that has the potential to threaten lives.

At the very least British Columbians deserve an independent assessment of the facts. So if the minister won't agree to binding arbitration, will he at least agree to an independent third party to sort out, at least, who is right and who is wrong on the facts as both sides present them so that British Columbians can tell who is actually telling the truth?

Hon. C. Hansen: We have a very good group of individuals who are negotiating on behalf of government, and the BCMA has a very good group that are negotiating on their behalf. These are issues that need to be sorted out at the negotiating table. Good progress was being made up to 2 o'clock in the morning last Saturday, when the BCMA walked away from negotiations. There was good progress being made.

The issues can be resolved at the table. Everyone's agreed that there's a \$392 million cap to resolve all of the issues around physician compensation. The place to resolve those is at a negotiating table, not by compromising the health care of British Columbians, which is what physicians are doing.

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

J. MacPhail: You know, Mr. Speaker, today I heard a commentator suggest that the BCMA and this Minister of Health Services weren't even at the same table, let alone on the same planet. The tit-for-tat spin operations being employed by the government and the doctors are offensive to people in need of care. All British Columbians want is a government to keep its promise to deliver health care when and where people need it.

An independent third party will help get to the bottom of the mess, and it'll provide British Columbians with the information that they want and, more importantly, that they deserve. Will the minister today stand up, set individual interests aside and call for an independent third party so that patients aren't caught in the crosshairs of this ridiculous spin war?

Hon. C. Hansen: We have made it very clear right from day one that we want to put in place an independent third-party process to provide for a dispute settlement mechanism. Both parties have that objective. We've put a proposal on the table. We've asked the BCMA to comment on that. We've asked them to sit

down, and mutually we will come up with that independent process.

[1430]

It is not up to me to impose a third-party process on the BCMA. It is up to us, the BCMA and the government to sit down together to work out a third-party, independent dispute settlement mechanism that will work for everybody involved. We should not be doing the dispute on the backs of patients in British Columbia. It should be done at the negotiating table.

PREVENTATIVE HEALTH CARE SERVICES FOR CHILDREN

J. Kwan: The government is allowing the Vancouver coastal health authority to cut back and outright abolish a number of extremely important programs aimed at children. Immunization programs, speech pathology programs and vision screening for children are all on the chopping block. These services are especially important to kids that come from poor, transient families, many of whom live in my constituency.

To the Minister of Children and Family Development: will he tell the House today whether or not he supports cutting these preventative health programs? Will he tell us whether or not he asked his ministry for an assessment of the impacts these cuts will have on children's health?

Hon. C. Hansen: The Vancouver coastal health authority is looking at how to better deliver programs within the financial envelope they have, as are all the health authorities throughout the province. In the cases of each of the three programs that the member just mentioned, they are reorganizing the way those programs are delivered, but the programs themselves are not being diminished. Access to those programs is not being diminished. They are being reorganized. They're going to be done in a more cost-effective way. I congratulate the health authorities for looking at more cost-effective ways of delivering the kind of programs we need.

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

J. Kwan: This government has new definitions for words around protection. Cutting programs does not mean protection. Cutting programs does not mean reorganization. The Minister of Children and Family Development's job is to protect B.C.'s most vulnerable citizens, but his government is preparing to spend millions of dollars on glitzy TV ads. Early intervention programs for children in Vancouver are disappearing. He doesn't have a clue how that impacts children's health.

Will the minister at least, then, have the courage to stand up for the convictions that he had when he was in opposition and condemn his government for cutting programs that protect B.C.'s most vulnerable children from disease and illness?

Hon. C. Hansen: What we inherited when we took over as government was a health care system that was not working.

Interjections.

Mr. Speaker: Order, please. Order.

Hon. C. Hansen: Whether it was programs for children or whether it was health care programs generally in the province, the status quo was not acceptable. Fundamental change was essential.

Interjections.

Mr. Speaker: Order, please.

Hon. C. Hansen: We have now undertaken the challenge of reorganizing the way health care can be delivered so that we can deliver better programs, we can continue programs, and we can continue to give the service that individuals need, whether they're children or anybody else, but do it in the most cost-effective and responsible way possible.

GOVERNMENT SUPPORT FOR FARMERS AND AGRICULTURE INDUSTRY

B. Lekstrom: My question is to the Minister of Agriculture, Food and Fisheries. Agriculture has played an important role in the communities that I represent for over the last 100 years. This makes the minister's recent attendance at the federal-provincial agriculture meeting in Ottawa all the more important to my constituents.

Can the Minister of Agriculture, Food and Fisheries please update us on what was discussed at that meeting?

Hon. J. van Dongen: Since last June the federal government, along with the provincial and territorial governments, has been involved in negotiating a new agriculture policy framework. Our goal is to develop a new policy that will foster a profitable farming industry in Canada — one that will be a world leader in food safety, environmental sustainability and innovation. We also want to ensure that the new agreement includes a strong risk-management component and, in particular, a crop insurance policy that will help farmers deal with adverse, unforeseen weather conditions. We have a lot of work to do on this new policy, but we expect to have it in place before April 1, 2003.

Mr. Speaker: The member for Peace River South has a supplementary question.

[1435]

B. Lekstrom: In my riding we're having an extremely late spring this year. The deadline for planting canola and other crops and having them insured under the crop insurance program is rapidly approaching.

Can the Minister of Agriculture, Food and Fisheries tell us what he is doing to assist the farmers who will likely not be able to seed prior to the May 10 deadline?

Hon. J. van Dongen: In the Peace River the farmers are certainly facing some adverse weather conditions that are delaying planting, and in the last two weeks we have been reviewing the eligibility deadlines for farmers to plant crops and still be eligible for crop insurance.

We have extended some of the dates, and I'll just mention them quickly here for the members. The canola seeding deadline has been extended from May 10 to May 20. The oat seeding deadline has been moved from May 20 to May 25. The hard red spring wheat deadline has been moved from May 20 to May 25.

We've discussed all of these changes with the producers, and the B.C. Grain Producers Association supports these changes.

GOVERNMENT SUPPORT FOR FOREST INDUSTRY

R. Visser: The resource sector is the cornerstone of B.C.'s economy and allows us to provide many important public services. At the same time, balancing wealth generation with environmental stewardship is the only way to make sure that they are available for future generations.

Can the Minister of Sustainable Resource Management tell us what this government is doing to ensure the balanced management of our forests?

Hon. S. Hagen: Today is a great day for British Columbia. I'm pleased to tell the House and all British Columbians that the Premier and the Minister of Forests are in Prince George today to mark an important milestone for the forest sector. Today the five-billionth tree will be planted in British Columbia — five-billionth.

We are planting more than 200 million seedlings every year. By the year 2007 we will plant the six-billionth tree in the province. This is a tremendous testimony to the commitment that we have to the future of our forest sector.

Mr. Speaker: The member for North Island has a supplementary question.

R. Visser: The current state of our forest industry has many British Columbians concerned about the economy. Despite that, we still recognize the continued need for reforestation and the important role this plays in sustaining the industry into the future.

Will the Minister of Sustainable Resource Management outline what other steps are being taken by this government to promote a sustainable forest industry?

Hon. S. Hagen: This government has undertaken a very ambitious agenda to promote a sustainable forest industry in this province. We want to build the forest

industry back from the doldrums that it's been in for the last ten years.

We are dedicating \$20 million this year to forest research and a further \$6 million for tree improvement. We have launched a public review of our results-based code, which the member, I know, is very well aware of as he chairs the committee that's going to go around the province to get public input on this very valuable process.

We will be moving forward with consultations on the....

Interjections.

Mr. Speaker: Order, please. Order.

Hon. S. Hagen: Mr. Speaker, I'm really getting tired of getting interrupted.

Interjections.

Mr. Speaker: Order, please.
Please proceed.

Hon. S. Hagen: It's too bad that some members have to be rude.

We will be moving forward with consultations on the working forest initiative very, very quickly. We look forward to the public input that's going to come back from British Columbians on this very important issue.

Lastly, with our commitment to tax and regulatory improvements, we are confident that the forest industry will once again provide working families in this province with good paycheques.

[End of question period.]

Interjections.

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

[1440]

Orders of the Day

Hon. G. Collins: I understand members are getting tired as we near the end of the session. Despite that, I would like to call, yet again, continuing debate on Bill 27 in committee stage.

Committee of the Whole House

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES ACT (continued)

The House in Committee of the Whole (Section B) on Bill 27; J. Weisbeck in the chair.

The committee met at 2:42 p.m.

On section 2 as amended (*continued*).

J. MacPhail: Before we broke for lunch, my colleague from Vancouver–Mount Pleasant was exploring the concept of the new definition of what constitutes a disability under this new act. It is our premise, completely unrefuted to date by the minister, that the government is trying to limit the people who qualify for disability benefits in this province.

Because the act has changed the words so dramatically, all we can do is rely on the minister telling us what conditions need to be present in a person with a disability in order to have him or her qualify. There is no other way of determining this, so we will continue reading the.... They're not cases; they're diagnoses. They are existing conditions that could apply to anyone, to any member of our family or our friends. They're existing conditions that are not a case-by-case basis but a diagnosis.

Does the diagnosis of arthritis qualify for disability?
[1445]

Hon. M. Coell: The member may recall that through BC Benefits, it was not on the basis of diagnosis that an individual would qualify, and it won't be under Bill 27 either.

J. MacPhail: No, I don't recall that. Perhaps the minister could expand upon that.

Hon. M. Coell: Under BC Benefits you had to show that you had a severe mental or physical impairment. It was not on diagnosis.

J. MacPhail: Yes, and often the indication of that impairment was a diagnosis, so it's unusual for the minister to somehow suggest that diagnosis is irrelevant. Is the minister suggesting diagnosis is irrelevant?

Hon. M. Coell: It's a factor.

J. MacPhail: Yes, so we will continue. The minister may be sensing what kind of purpose does this serve while people are being judged by the new rules as we speak and are preparing. People in this world are out there. They're now eligible for disability benefits, and they're wondering, with a great deal of angst, about what it is they have to prove in order to get them either benefit that they now are eligible for.

I must tell the minister that this information has come in. These questions have come in since my colleague last night was so ably raising so many of these issues. People were calling in and asking for these questions to be put because they had no comfort from the debate they watched last night when my colleague from Mount Pleasant was raising a series of very, very important questions.

Bipolar disorder.

Hon. M. Coell: Both Bills 26 and 27 require that anyone seeking the designation as a person with a dis-

ability meets two tests. BC Benefits also states that an individual must have a severe mental or physical impairment. This carries forward in this bill. I don't think I can be any clearer for you.

J. MacPhail: Well, in fact, the diagnoses that I'm reading off to the minister now qualify. They were approved. They're not individual cases, but the diagnosis represents a diagnosis upon which the person qualified. These are questions that are coming in. So it would be appropriate, then, for the minister to say: "Yes, that does qualify you."

Blood clots, epilepsy, anxiety, depression.

Hon. M. Coell: We had a thorough discussion this morning on that.

[1450]

J. MacPhail: You know, I actually believe that this is one minister in this government who wants to communicate as much information as he possibly can in a forthright manner. Now is the time to do it.

We discussed earlier on about the way ordinary British Columbians can actually seek input into this government's decisions. The Income Assistance Advisory Council had been cancelled, repealed. The minister said he meets regularly. He wouldn't give any details on meetings that he'd had, but he does say he'd meet regularly.

People listen to the words of this minister and are calling in and want information. Does a diagnosis of breast cancer qualify?

The Chair: Shall section 2 as amended pass?

J. MacPhail: Cerebral palsy — does that qualify?

The Chair: Shall section 2 as amended pass?

J. MacPhail: I find it shocking, actually, when the minister knows why these questions are being asked and he could alleviate people's concerns out there and, instead, what he's done is contributed to the state of anxiety.

There have been a couple of MLAs — good on them for raising particular situations — only a couple, but thank you for that.... Certainly, the minister was more than willing to respond to individual situations that other MLAs raised. I guess it was because they weren't from the member for Vancouver–Mount Pleasant or me that he agreed to respond.

Now he sits there, and all the people can hope for, who are now eligible and rely on that disability benefit.... All he does is sit there and say nothing — absolutely nothing.

In fact, I guess I'll have to add this particular minister to my list of those whom I'm disappointed in — that he would play favourites and politics and refuse to give information to people who are directly affected by this.

In a recent meeting with the deputy minister and the B.C. Coalition of People with Disabilities, the deputy minister stated that the new definition as outlined in Bill 27, section 2, is intended to cull out specific types of cases or medical conditions that are seen as the key unjustified cost pressures that flow from the current definition under the Disability Benefits Program Act. Perhaps the minister could list the key unjustified cost pressures, the types of cases or medical conditions that come under that guise.

Hon. M. Coell: I would seek clarification. I'm not quite sure what the member is referring to.

J. MacPhail: I'll read it again. In a meeting between the deputy minister and the B.C. Coalition of People with Disabilities, the deputy minister stated that the new definition as outlined in Bill 27, section 2, is intended to cull out specific types of cases or medical conditions that are seen as the key unjustified cost pressures that flow from the definition under the Disability Benefits Program Act that this government is now changing. What are those types of cases or medical conditions that are seen as key unjustified cost pressures?

Hon. M. Coell: I understand from my deputy that she has been misquoted and that she did not say that.

J. Kwan: We'll double-check this information and whether or not we have misquoted the deputy minister, because it was provided to us by the B.C. Coalition of People with Disabilities.

[1455]

Let me ask the minister this question on the medical conditions in this new definition under Bill 27. People who have soft tissue injuries, chronic back pain, fibromyalgia, chronic fatigue syndrome, some forms of arthritis and depression — will they still qualify for income assistance under Bill 27?

Hon. M. Coell: Again, it depends on an individual's circumstances and the degree or severity as stated by a medical practitioner.

J. Kwan: The reason why I read out this list of medical conditions is because it is believed by the community, as an example, that these are some of the conditions the ministry will be looking to get rid of for qualification under Bill 27. Formerly, under the old act, people were qualified for disability 2 with these conditions. The list I have here states that very clearly. There are hundreds of different kinds of medical conditions for which individuals qualify for disability 2 under the former act. Unless the minister can provide assurances otherwise, with the change under Bill 27 it is believed that these conditions will no longer qualify individuals to receive income assistance under Bill 27.

In fact, from yesterday's debate.... There were people who were watching this debate. I have a case here that was sent to me by e-mail. Here's what the e-mail

reads. I'll just read part of it. This individual has a brain injury and has tried working and wants to be retrained, but even when she has worked here and there, she's not able to make enough money to get above disability level. People with dementia won't be able to answer accurately if their disability affects their daily life or not. In this case, will this person be qualified?

Well, her experience is such that her husband and herself were forced to separate so that they could get benefits of some form for her disability. When he works, he makes about \$867 a month, at \$8.50 an hour. Of course, with that calculation, they didn't get support from the ministry. Without the support, they were unable to pay their hydro, and now they're being evicted. They couldn't pay their full rent, and they couldn't even cover food, their basic need. They are right now, at this moment, at the dollar-breaking point, and of course, the husband is being penalized for trying to work. The couple is contemplating that perhaps they need to split up in order to survive. Maybe the minister can tell this couple: people with dementia, who won't be able to answer accurately if their disability affects their daily life — would they be able to collect income assistance under Bill 27?

Hon. M. Coell: The member is actually talking about a situation under the BC Benefits Act, which her government introduced.

[1500]

J. Kwan: No. This was e-mailed to me yesterday, on the 8th. Effective April 1, the changes the minister brought in through the interim regulations are impacting this couple. I know the minister would like to say, "It was the previous government; it was the BC Benefits Act," and so on and so forth, but the reality is that the changes being brought in are from this government, from this minister. Even though the act has not passed through this House, even though the regulations are not set, the minister said that effective April 1, changes were going to be taking place. They're impacting people's lives as we speak. The minister advised me of that when we did estimates. When we were doing estimates, he said: "Effective April 1 changes are going to take place." Now e-mails are coming in, and people are being impacted. The minister would like to say it was the previous government. But you know what? It won't wash. It wasn't the previous government's regulations. It is this government's regulations. It is this government's bill that is causing these problems for people who are faced with disability challenges.

Hon. M. Coell: I would correct the member. There have been no changes as of April 1 for persons with a disability.

J. Kwan: Let me try another tack, because the minister is obviously not answering the questions, creating even more anxiety in the broader community.

When the opposition was in the House, we rose during second reading and raised these questions with

the minister. Then every Liberal MLA was shouting and pounding their desks, heckling my colleague and me, suggesting that we were somehow fearmongering, scaremongering and so on. Well, this is the time, in third reading debate, for the minister to give concrete answers — answers for people who are sending e-mails by the droves for us to ask these questions of the minister on whether or not they would be qualified and whether or not they'll be cut off as a result of changes in Bill 27.

In fact, in a moment I am going to find the e-mail from a person that's just e-mailed me. She's being cut off disability, and she did receive a letter from the minister telling her to go get a job. The minister yesterday said he did not send out such information to anybody. In fact, after hearing that debate, individuals in the broader community sent in such a letter which the minister did send to them, and then subsequent to that, about how they were being cut off. I will find that information in just one moment.

I want to go back to the question here around these medical conditions. The minister likes to flip and flop. He wants to say: "On the one hand, these are individual cases, so we can't deal with them." Then when we say: "Okay. These are medical conditions that I'm highlighting. Will the minister confirm that these medical conditions will qualify people to receive income assistance?" Then the minister says: "Well, gee, it's not up to me. It's up to the practitioner." Well, the practitioners have already decided on the basis of these medical conditions for people to receive disability 2, under the previous act. We already have that information. We already have the medical practitioners who have spoken on that issue. It is now up to the minister to advise what his intention is for this act and the change he's now bringing forward under Bill 27.

Last night, when we were talking about the issues relating to HIV and AIDS, I asked the minister whether or not there was a qualifier attached to it if someone's been diagnosed with HIV/AIDS. The minister said something about fatigue being another qualifying factor. I want to ask the minister, then: on the issue around fatigue, would that mean that soft-tissue injuries, fibromyalgia, chronic fatigue, cyclical manic fatigue disabilities — and that's the person who e-mailed me; she has this fatigue disability — MS, Parkinson's and a host of other disabilities qualify under this act?

Hon. M. Coell: It will depend on the individual circumstances and severity.

J. Kwan: The circumstances and severity are such that they now qualify for disability 2 under the former act, which required the individual to show....

"...as a direct result of a severe mental or physical impairment, requires extensive assistance or supervision in order to perform daily living tasks within a reasonable time frame, or requires unusual and continuous monthly expenditures for transportation or for special diets or for other unusual but essential and continuous needs, and who has confirmation from a medical practitioner that

the impairment referred to in paragraph (b)" — which I just read out — "exists and is likely to continue for at least 2 years or is likely to continue for at least one year and is likely to recur."

Under those conditions physicians have determined the individual is qualified for disability 2.

[1505]

The minister yesterday tried to say that there are no substantive changes here under this act that we're debating right now, under this section. He tried to say: "Don't worry; be happy. Those people who need to qualify will qualify." Well, the people who need to qualify did qualify under the old act.

I now want to know: where the minister says, "Don't worry; be happy. They will qualify," would those people under this new act...? Will he confirm in the House right now that those people, who did qualify under disability 2 with these medical conditions, will continue to receive that assistance?

Hon. M. Coell: I may have already said this, but some of the questions are quite repetitive.

The ministry will not be requiring all DB-2 clients to reapply. For example, the ministry is working with the Ministry of Health Services, mental health division, and the Ministry of Children and Family Development to identify clients with mental health disorders who are receiving treatment and those who are developmentally delayed and living in group homes. These clients will clearly meet the new criteria, so they will not need to reapply. They will be advised that a review of their designation has indicated that they meet the new criteria for continuous assistance.

Similarly, the ministry is reviewing all client files to determine the extent of information already available. If there is sufficient information on a client's file to determine eligibility based on the criteria, their designation will be confirmed.

J. Kwan: You know what? The minister can read that list as many times as he wants to, but he's not answering the question. He's not answering the question that's being posed to him. Will these individuals, who now qualify for disability 2 under the previous act with these medical conditions, qualify under this new act? I don't think it's that complicated. Does the minister not know what his intent is with his respect to this act?

Hon. M. Coell: As I've said before, it will depend on the severity and individual circumstances. I have a commitment to persons with disabilities. I know that this legislation and the continuous assistance will provide the support for safety and security.

J. Kwan: The minister said yesterday that the changes that are being brought about in this act will not substantively affect people in terms of their eligibility. In fact, it wasn't just my colleague from Vancouver-Hastings and I who asked these questions. The member for Vancouver-Langara stood up and asked the question. He rose up and said: "It is not clear under this

act in terms of who would qualify and who wouldn't qualify." In fact, the member for Langara had a wonderful suggestion, and that is for the minister to stand down section 2.

I rose up and said that we would be happy to stand down section 2 and work with the member for Vancouver-Langara and the minister and the community to make sure that it is clear that individuals who ought to qualify and should be receiving support from government would continue to do so.

The minister then got up and said: "No need to do that. It is very clear in terms of who qualifies and who doesn't." Well now, it is not clear to me at all who qualifies and who doesn't. I want to get into the specifics by asking the minister. If he says the intent is the same as the previous act, and there are no substantive changes in that regard, then it ought to follow that the people who were assessed by medical practitioners on the severity of their illness, on the severity and the impact of their disability and who qualified for disability 2 under the previous act, ought to qualify now, today, under this new act.

All the minister has to do is confirm with the list that I have received from the B.C. Coalition of People with Disabilities, which lists all the medical conditions, that the people who have already been assessed will continue to receive support from government under this act and that new people who come forward with the same medical conditions, too, will receive support.

[1510]

If the minister can do that, then I have no more questions. I have no more question on section 2. If the minister is not able to do that and keeps on saying that he doesn't know and that it's somebody else's responsibility to decide, then we have a problem. We have a problem in this section of the bill, because it is unclear and the minister has not satisfactorily answered the questions to make it clear for individuals in the community to understand who is qualified and who is not qualified for disability assistance under Bill 27.

P. Wong: I ask leave to make an introduction.

Leave granted.

Introductions by Members

P. Wong: I am pleased to introduce 56 students from St. Andrew's School in Vancouver. These students are from grade 4 and grade 5 and are led by their teachers and parents: Mr. Samson, Mrs. Riccardi and Mrs. Scali. Would the House please make them welcome.

Debate Continued

Hon. M. Coell: Just to answer the member's question, some individuals' medical conditions change. They can in some cases improve. They can in some cases deteriorate over a period of time. It's therefore not possible to make blanket statements.

J. Kwan: I don't know what is possible for this minister. It seems that nothing is possible. It seems that none of the questions that are being asked of the minister, he can answer. It seems that he cannot give any assurance whatsoever to allay the fears in the broader community. It seems that his answers are contradictory in their nature. They first say: "Yes, they're qualified." Then they say: "No, they're not qualified." Then there are additional qualifiers attached to it around eligibility.

Let me just review from yesterday's *Hansard* on the questions around HIV and AIDS. The question was asked: can the minister please explain and give what assurance he can to the individuals who have HIV and AIDS that they would qualify to receive income assistance for disabilities under Bill 27? The minister's answer: "Currently, under BC Benefits, HIV-positive do not qualify on the basis of diagnosis, because they have to show either a severe mental or physical impairment. That won't change."

Then I rose up and challenged the minister on that, because I have been identified with people with AIDS. They have come forward to say that they have been diagnosed with HIV and AIDS, and while their disability is not 100 percent symptomatic, because of disability they need extra resources for them to perform their daily activities. It costs them extra to simply survive, and so on. They were and are receiving disability 2.

I rose up and asked the minister that question. Again, the minister's answer says: "I think the easy answer is that if someone is diagnosed with HIV/AIDS, they will qualify." This is a direct quote from *Hansard* last night.

Then discussion went on for a little bit. I asked the minister the question for further clarification. Then the minister changed. He goes on to say that currently, under BC Benefits, they do not qualify on the basis of the diagnosis. If they show that they have a severe mental or physical impairment because of that diagnosis, then they would qualify. In the same breath, the minister has changed his position around whether or not a person qualifies.

Then he goes on to say: "A person with AIDS will need assistance for a range of reasons. One of them could be, as I said before, fatigue. They will qualify."

[1515]

Then, following precisely on this statement made by the minister, calls and e-mails started to come into our office. People wanted to know: if fatigue qualifies them, then would another diagnosis, such as fibromyalgia, qualify the individual for continuous benefits? The list is actually in an e-mail sent in by real people out there, not stuff that I'm just making up. People just sent in and said, "What about this condition? What about this condition?" on the basis of what the minister said. Would the minister please answer the questions for British Columbians?

Hon. M. Coell: For clarification, fatigue was an example of one factor in consideration for HIV/AIDS.

J. Kwan: The minister says fatigue is one factor with HIV/AIDS. If you have HIV and AIDS and you have fatigue, you would qualify, and you will meet the medical assessment and the daily living test. That's what the minister said yesterday. Then he went on to say: "Just to reiterate again, we fully expect that someone diagnosed with HIV/AIDS will qualify." Then I asked the question: are there any conditions attached to that? The minister did not get up to dispute or to add any conditions to it. Then it just stopped with him saying that someone diagnosed with HIV/AIDS will qualify.

Is the minister now saying that if someone is diagnosed with HIV/AIDS and has fatigue, then they would qualify? Like, how many conditions are attached to eligibility for a particular illness that are currently now eligible to receive disability?

Hon. M. Coell: I am not a medical practitioner, and those are decisions best left up to medical practitioners.

J. Kwan: Well, the minister would like to just pass it off to the medical practitioners. I've already said this to the minister, and I hope he can hear me: the medical practitioners have already confirmed the diagnosis. They have already confirmed that these individuals should be on disability, and they are on disability right now. They're on disability 2. The minister will not, however, confirm whether or not, on that basis, where that confirmation has already been received, people with these medical conditions will continue to receive disability. Why won't he? What is he hiding?

Hon. M. Coell: The person could have a mild diagnosis or an extreme diagnosis. That's why it's left up to a medical practitioner.

J. Kwan: How will medical practitioners know what is deemed to significantly restrict the person's ability to perform daily living activities when in the act it is not at all clear? In the former act it was clear, because anything that is deemed to be beyond reasonableness would be deemed to be a significant restriction on an individual's ability to perform daily living activities. Well, that's now gone, so there's no guidance whatsoever for the medical practitioners. People will be looking to the minister who has put forward this bill, who is sponsoring this bill, for that clarity to understand what those intentions are. What is the intention of government in this regard?

Hon. M. Coell: The medical practitioner will use an assessment tool. The tool is under development by the ministry in conjunction with the Ministry of Health Planning and the Ministry of Health Services to assist in the development.

J. Kwan: That gives no information whatsoever to the public now, the people who are waiting and who are trying to understand what the ramifications are with respect to this bill. It gives them zero assurance whatsoever.

[1520]

I received another fax from another individual, who wants to know from the minister: "How will people with diabetes qualify — learning disabilities? Who says that a person who does not need assistance with daily living will qualify for disabilities? What in the act says that they will qualify?" Then the letter goes on to say: "Unfortunately, in this field, lawyers go by written stuff, not the minister's statements." Then the person wants the minister to give examples, to give clarity on understanding "directly and significantly" in the act under this section, which refers to: "...directly and significantly restricts the person's ability to perform daily living activities..." The person wants to know, actually, what the budget is for people who are diagnosed with disabilities. What is the maximum rate which the person would be able to receive?

Hon. M. Coell: I'm not sure what the member means by rate.

J. Kwan: The rate means the dollars, the dollar amount which the person would be able to receive. I know that in the act later on it does talk about the rates. If the minister wants to skip that answer, maybe the minister can answer the previous questions. Let me just reiterate what the questions are. How will people with diabetes qualify? Learning disabilities.... What in writing says that people who do not need assistance with daily living will qualify for disability benefits? What in the act says that they will qualify? Let me stop there.

Hon. M. Coell: As I've stated a number of times, and I'll clarify the definition for you again, the definition creates a three-step test: (1) is there a severe mental or physical impairment, (2) will the impairment last two years, and (3) does the impairment directly restrict the person's ability to perform daily living activities?

J. Kwan: Quite frankly, the minister hadn't answered this person's question either. I'll send her *Hansard* on the minister's response.

Let me ask the minister this question. Senior members of the Ministry of Human Resources have informed the community that the continuous assistance classification will include a category known as "multiple persistent barriers" and that there will a reduction in income for those who fall into this category. Could the minister please confirm whether or not there will be such a category and please define this category in terms of eligibility criteria? How does it differ from the other categories?

Hon. M. Coell: That category will be under Bill 26.

J. Kwan: That category is under Bill 26. Bill 26 is for people with regular income assistance, not continuous assistance. I want to say again, and I want the minister to be very clear on this.... Senior members of the Ministry of Human Resources have informed the community that continuous assistance classification will include a

category known as multiple persistent barriers and that there will be a reduction in income for those who fall into this category. Continuous assistance is not under Bill 26. It is under Bill 27.

[1525]

Hon. M. Coell: The definition of persistent multiple barriers is in Bill 26. It also has the ability to provide continuous assistance. Both bills actually have continuous assistance.

J. Kwan: Actually, I remember we canvassed these questions in estimates as well, and we talked about people with what are called multiple persistent barriers. I used examples of people with perhaps substance misuse and mental illness, amongst other issues. The minister assured me that those individuals would qualify for the continuous categories.

Continuous categories. As far as I can see, in both of these acts, the continuous only fall under Bill 27. Continuous means that the person would need ongoing assistance.

Then I also asked the minister: if the person can find work but find that they are not able to sustain their job, and they are either fired or let go because of their illness, what would happen in that instance? The minister replied that there would be a thing called rapid reinstatement. That's what people with a continuous disability would qualify for.

Here we have a situation that's being asked exactly of that. A person faced with multiple persistent barriers ought to qualify for continuous assistance for disability under Bill 27. The minister just said no, they would not qualify for it under Bill 27 but rather would qualify under Bill 26. That is a direct contradiction not only to the information given to the community groups by the deputy minister but to what the minister said during estimates.

Hon. M. Coell: Persons with persistent multiple barriers to employment are not expected to be able to achieve independence through employment. They will get continuous assistance under Bill 26.

J. Kwan: The minister has just changed his position. He's changed his position to say that those people who are faced with persistent multiple barriers are not qualified for disability benefits under Bill 27. That means that when they qualify under Bill 26, after two years, if they are not able to sustain a job, even if they have persistent multiple barriers, they will be cut off. That's what Bill 26 says. People with persistent multiple barriers are not considered individuals with disabilities. Is that what the minister is saying?

Hon. M. Coell: People with persistent multiple barriers are exempt from time limits.

J. Kwan: The people with persistent multiple barriers are exempt from time limits. Are those who qualify for disabilities then not under Bill 27?

Hon. M. Coell: No. Persistent multiple barriers will be under Bill 26.

[1530]

J. Kwan: The minister, during estimates, used a number of examples of people with persistent multiple barriers. He used examples of people with physical disabilities, HIV and AIDS, mental illness and fetal alcohol syndrome, amongst others. The minister had said that in those instances where people are unable to keep a job because of their illness, there would be a thing called rapid reinstatement.

Then he went on to say that those who have these conditions — multiple barriers — would be put back on income assistance immediately and that they wouldn't have to go through a three-week pre-employment training. Then he went on to add that people on continuous assistance would be able to earn up to \$300 a month. As I understand, the only people who can earn up to \$300 a month are those individuals who qualify under Bill 27. It appears that there is a discrepancy. Maybe things have changed between then, when the estimates process was in place, and now, and the minister has had time to re-evaluate the situation.

Is he now saying, for the record, that those with multiple persistent barriers would be qualified for income assistance and would not be subject to a time limitation and that if they lose employment as a result of their disability, their illness — whatever barrier it is that they're faced with — they would receive rapid reinstatement? That, in the minister's view, is continuous assistance under Bill 26, not Bill 27.

Hon. M. Coell: That's essentially correct.

J. Kwan: I just want to put this on record. This is something that I want to advocate for the people that I fear are going to be cut off because of the time limitations. I want to say very clearly to the minister that by his confirmation today, I will be developing a fact sheet, if you will, on this issue and sending it out to the broader community for every individual who ought to qualify so that they can bring this piece of paper to the welfare office and not receive any hassle and threats of being cut off. I want that on the record, to be very clear about it.

When individuals come back with problems, it is the word of the minister that I'm taking at this point. I will now let go of this issue in terms of questions to the minister relating to people with persistent multiple barriers. It is the minister's word that will ensure that these individuals are qualified. I want to thank the minister for that commitment.

Hon. M. Coell: I need to clarify for the member that it is based on an assessment.

J. MacPhail: I'm sorry, Mr. Speaker. I have to give my colleague a break here, because she is reaching a conclusion where she has got the minister to finally land on a definition and reiterates the minister's own

words. Then the minister clarifies by standing up and saying: "No, no, that's based on an assessment." An assessment of what? If the person is not eligible for income assistance under Bill 27 for people with disabilities, what are we assessing in terms of multiple barriers?

[1535]

Hon. M. Coell: It will be based on an employability assessment. Essentially, the category is for those people who do not have a disability but have social barriers or other barriers that prevent them from seeking work.

J. MacPhail: Yes. Well, in a different kind of government that understands barriers and how they create disabilities, I think the previous government classified that as a disability 1. Is that correct?

Hon. M. Coell: It is different than disability 1, and we're actually back debating Bill 26 at this point. It will allow people with invisible barriers, who were not able to get DB-1, to be identified and to receive continuous assistance.

J. MacPhail: All right. I appreciate the minister's comments about us being back debating Bill 26, but the reason why we're raising these issues right now is that by the ministry serving notice to pretty much everybody who's on income assistance — and we still heard from people last night who are on disability and were very much in the dark about their future as well — there are many people who are trying to figure out exactly how their lives will change.

I take it from the minister's comments, then — and I have to confess that I'm not nearly as well informed as my colleague from Vancouver–Mount Pleasant — that there will be a category under Bill 27 that's disability 1 and disability 2. How many categories are there?

Hon. M. Coell: Under Bill 27 there is one category: persons with a disability.

J. MacPhail: That's why, I guess, the person that my colleague read out said: "How much are we earning?" There will be an opportunity for us to explore this later on, but as I understand it, this Liberal government has removed, then, the category of disability 1. Is that correct?

Hon. M. Coell: We've changed the category under Bill 26 to persons with persistent multiple barriers.

J. MacPhail: Okay. So the assessment....

Hon. M. Coell: I just want to clarify that. It's not DB-1. We have a new category, which is persons with persistent multiple barriers.

J. MacPhail: Well, I guess that's where everybody's confusion is coming in now. What a previous government recognized in, I would say, a fairly compassionate way — that people are disabled by their multiple

and persistent barriers — this government just looks at as an employment issue. Is there a special adjustment for people with multiple and persistent barriers? Is there a category of assistance that's different from those without multiple and persistent barriers?

Hon. M. Coell: As I say, we're still in Bill 26. If the members would like to carry on, we're obviously going to get another chance to deal with Bill 26.

[1540]

Just for clarification, the barriers in persons with persistent multiple barriers will include things like poor work history and poor education that make it difficult for someone to seek work — that aren't in the DB-1. They will have enhanced medical and other supports and also the \$300 earning exemption.

J. Kwan: That \$300 earning exemption applies to people who qualify under Bill 27 — the continuous category, not for the people who are faced with persistent barriers?

Hon. M. Coell: People with persistent multiple barriers will also have that \$300 earning exemption.

J. Kwan: We will then canvass this issue some more when we deal with Bill 26. This was brought up under Bill 27 because it was believed and understood by the community, through not only my estimates process with the minister in the questions and answers but also through the process of discussions with the deputy minister and community groups.... They were led to believe that those individuals who are faced with persistent multiple barriers would qualify for continuous income assistance under Bill 27. Clearly, that information was wrong both in the replies from the minister in the estimates process as well as in the meeting that took place with the deputy and the B.C. Coalition of People with Disabilities.

At this time I'd like to move an amendment. In all of the discussions we've had so far, I have received zero comfort from the minister for people with disabilities around who qualifies and who doesn't. It causes me grave concern.

Reviewing yesterday's discussion, the minister advised that the individuals who are qualified now don't have a lot to worry about because everything is essentially staying the same. At that time it was suggested that section 2 be stood down and for the minister to come forward with wording that will rectify this problem not only for the opposition members but also for government members. Particularly, I want to give credit to the member for Vancouver-Langara for raising these issues.

I would now like to table an amendment to this section of the bill. The amendment is as follows:

[Section 2 is amended by adding the text highlighted by underline and deleting the text highlighted by strikethrough:

2 (1) In this section:

~~"assistive device" means a device designed to enable a person to perform a daily living activity that, because of a severe mental or physical impairment, the person is unable to perform;~~

~~"daily living activity" has the prescribed meaning;~~

~~"health professional" means a person who is authorized under an enactment to practice the profession of~~

~~(a) a medical practitioner,~~

~~(b) a registered psychologist,~~

~~(c) a registered nurse or registered psychiatric nurse,~~

~~(d) an occupational therapist,~~

~~(e) a physical therapist, or~~

~~(f) a social worker.~~

~~(2) The minister may designate a person who has reached 19 years of age as a person with disabilities for the purposes of this Act if the minister is satisfied that the person has a severe mental or physical impairment that~~

~~(a) in the opinion of a medical practitioner is likely to continue for at least 2 years, and~~

~~(b) in the opinion of a health professional~~

~~(i) directly and significantly restricts the person's ability to perform daily living activities either~~

~~(A) continuously, or~~

~~(B) periodically for extended periods, and~~

~~(ii) as a result of those restrictions, the person requires help to perform those activities.~~

~~(3) For the purposes of subsection (2),~~

~~(a) a person who has a severe mental impairment includes a person with a mental disorder, and~~

~~(b) a person requires help in relation to a daily living activity if, in order to perform it, the person requires~~

~~(i) an assistive device, or~~

~~(ii) the significant help or supervision of another person.~~

~~(4) The minister may rescind a designation under subsection (2).~~

~~In this Act:~~

~~"person with disabilities" means a person who at the time this section comes into force was a handicapped person under the Disability Benefits Program Act or a person~~

~~(a) who is 18 years of age or older~~

~~(b) who, as a direct result of a severe mental or physical impairment,~~

~~(i) requires extensive assistance or supervision in order to perform daily living tasks within a reasonable time, or~~

~~(ii) requires unusual and continuous monthly expenditures for transportation or for special diets or for other unusual but essential and continuous needs, and~~

~~(c) who has confirmation from a medical practitioner that the impairment referred to in paragraph (b) exists and~~

~~(i) is likely to continue for least two years, or~~

~~(ii) is likely to continue for at least one year and is likely to recur.]~~

On the amendment.

J. Kwan: I'm moving this amendment because this definition that was formerly in place under the old BC Benefits Act states clearly who ought to be qualified and who ought not to be qualified. It sets out the parameters on reasonableness in determining what significantly restricts the person's ability to perform daily living activities. It sets out clearly, with a test of rea-

sonableness, the reasonableness of the amount of time for a person to perform these daily living activities.

[1545]

It further provides for the option for individuals who could overcome the challenges that they face to perform daily living activities.... However, by overcoming these challenges they have other issues that they're faced with, issues that would require them to have additional resources to survive — whether it be additional resources for the purposes of transportation, for special diets or for any matter that is required and needed for the individual. That provision is there under this amendment, and it allows for that broad understanding for qualification and requirement for qualification for people with disabilities.

Given that the minister has said that it is not an issue around trying to cut people off disability under Bill 27 and given that the minister said last night that there are no substantive changes with respect to this act and what was formerly in place under the BC Benefits Act, then the minister ought to have no trouble whatsoever adopting and accepting this amendment.

J. MacPhail: I think this amendment tabled by the member for Vancouver–Mount Pleasant goes a long way to resolving a lot of the concerns expressed by pretty much everyone who has spoken to date on section 2. I think it resolves a lot of the concerns and still allows the minister to proceed in a way that matches the rest of the legislation under Bill 27.

Here's the reason why it is so crucial that this government once and for all puts to rest the concerns and the level of anxiety amongst people who are currently collecting a disability 2 pension. The definition in this grandfathers — basically grandparents — people now who are already eligible for disability benefits.

Let me read this letter. It's to the Minister of State for Mental Health, and it's from a mental health worker in the Vancouver coastal health authority. It was received just moments ago. It was sent yesterday to the Minister of State for Mental Health.

"Dear [Sir]:

"I am a community mental health case manager in Vancouver with an MSW degree and 12 years experience in community and hospital mental health. I was heartened last year by your appointment and new role and hopeful that it signalled better treatment for the mentally ill in British Columbia.

"I am now writing with grave concerns about recently announced changes to disability benefits by the Ministry of Human Resources. I foresee terrible impact these changes will bring to the health and lives of our clients. I have seen a letter co-written by yourself with the Minister of Human Resources and was not reassured nor convinced you fully understand the ramifications.

"Fully 75 percent of my caseload of 56 seriously mentally ill clients receive disability benefits level 2. Mental health workers have responsibly assisted their clients to apply for this pension and seen the tremendous benefit of secure, adequate support on their mental health and in their lives generally. The freedom from welfare stigma has been as important as the extra benefits which allow for decent housing in safe areas,

transportation, participation in rehabilitation programs and dietary supplements.

"As you know, the changes in the proposed legislation focus on changing the definition of disability and on employment for the disabled. Your point that mental illness is now recognized in the legislation is well taken. However, I point out also that the emphasis in definition on the need for daily supervision would disallow virtually all of our clients, who are encouraged to be as independent as possible. And of course, although cursed by hallucinations, delusions, paranoia, depression and difficulty organizing and thinking clearly, our clients are able-bodied and not requiring such supervision.

[1550]

"Regarding the emphasis in the new act on employment for the disabled, you must be aware that mental health clinics all over the province already assist their clients to function as productively as possible. We all know how important this is toward maintaining wellness. We have a wide variety of programs designed to this end, which recognize the specific difficulties faced by the mentally ill in finding work. To shift the responsibility for assessing capability for employment to Ministry of Human Resources staff is very poor policy, destined to disaster. To require mental health staff to reapply on behalf of our clients would be wasteful and time-consuming.

"This week already" — as an aside, Mr. Chair, the letter was written May 8, 2002 — "I have responded to six different clients' anxieties about their financial future. They have brought clippings from newspapers outlining changes. They are full of fear and anxiety about the uncertainty. I have even seen guilt in folks who haven't been able to work for many years. Of my 56 clients, only four are regularly employed, and two of those are off frequently due to poor stress tolerance. The vast majority have never worked in competitive employment in their lives. It seems to me both more humane and more cost-effective to leave these people alone, with decent support and no pressure to seek to work or justify themselves to welfare reviews.

"I have one client who was recently inexplicably turned down for DB-2, disability benefits 2, who has \$85 per month to exist on after his rent is paid. We are working hard to gain his trust, despite his paranoid thinking, and trying to avert his moving to the downtown east side, the only place in the city with rents in the range of welfare rates. Of course, our clients who do gravitate to that dangerous part of town end up living short, often addicted and painful lives.

"We must do better, [Minister of State for Mental Health], for them and for us all."

As I read this letter from an expert who works with these people every day, the member for Vancouver–Burrard says: "Oh, what, are they watching the Legislature parliamentary channel?" Completely dismissing in an unbelievable way the expertise....

Interjection.

The Chair: Member, order, please. Proceed.

J. MacPhail: Mr. Chair, I just read a letter from a community mental health worker with 12 years' experience and a graduate degree, and the member for

Vancouver-Burrard says that he doesn't understand what's going on.

L. Mayencourt: I clearly understand what's going on.

J. MacPhail: The member for Vancouver-Burrard says this expert doesn't understand what's going on. I was reading the concerns raised by the mental health worker, and the member for Vancouver-Burrard says this person doesn't understand what's going on.

Interjection.

J. MacPhail: It is unbelievable that that member, whose constituents are directly and negatively affected by these changes, sits there blindly heckling and somehow suggesting that these concerns are not legitimate.

The fact that the member sits there and breaks promises that he made to people in his own community to raise exactly these issues is outrageous. His contribution from his silent seat, his cheap shots to an expert in the field....

L. Mayencourt: Point of order.

The Chair: Member for Vancouver-Burrard.

L. Mayencourt: The member for Vancouver-Hastings has made an allegation that I have broken a promise to my community. I would ask that she please withdraw that. That's not correct.

J. MacPhail: That's not unparliamentary.

L. Mayencourt: I would ask that she withdraw that comment because it is not true.

The Chair: Member, the comment is not unparliamentary.

L. Mayencourt: I will apologize to the Chair for that.

[1555]

J. MacPhail: Mr. Chair, my colleague and I are standing here in the Legislature as.... Perhaps it's fair to know that the public can't see the things that are coming in here. These are not situations that my colleague and I have made up. These are people who are unable to have their voices heard in any other fashion to date. That may change, Mr. Chair. Rightfully, that may change. Some members have had the courage to get up and put their concerns on record.

The community of people with HIV/AIDS have asked that their concerns be raised and thought that their concerns were going to be raised by the member for Vancouver-Burrard. In fact, the questions have had to be put in careful detail by my colleague the member for Vancouver-Mount Pleasant, who is working closely to ensure that accurate information is distributed. My

colleague gets the answers and distributes the very words of the Minister of Human Resources. That's her job. Unfortunately....

The Chair: Member, perhaps we could get back to the debate on the amendment.

Interjection.

J. MacPhail: It's not her job.

Yes, Mr. Chair, exactly. This is right on point. The very concerns that are being raised here are addressed by the amendment that my colleague has put forward. The very concerns that are being addressed by this 12-year, unbelievably dedicated and expert specialist. When the letter came in, I hadn't had a chance to read it before I stood up and read it into the record, yet it is so on point to supporting this amendment. It's but one of dozens of missives that have come in.

All the minister has to do is accept this amendment to the definition, and it won't affect one commitment that he's made here — not one commitment that the minister has made here. If what the minister has put on record and if the minister has been sincere, without any misleading.... If the minister has been truthful in describing how his....

The Chair: Member, member. I think....

J. MacPhail: Sorry, Mr. Chair. My apologies.

As the minister has been truthful, we accept, in his description of his intent, then this amendment meets the test of actually putting the words properly to what the minister's commitment in debate has been so far.

The one example is what I just read, where it is the test now.... As the minister has said, the test will be a functional test. The mental health worker says it is a functional test that we strive for, for people with mental illness. Yet they are still mentally ill. They still, as he said, have hallucinations; they have delusions; they suffer from paranoia, depression and have difficulty organizing and thinking clearly. Yet they are functional. That is but one example of why this amendment merely does the work that the minister says he's committed to achieving.

The Chair: The Minister of Human Resources, speaking to the amendment.

Hon. M. Coell: I think it's very unfortunate that there has been misinformation in the media and that it has caused this stress.

I can respond by saying that we are committed to people with mental health disorders and that I am confident that these people will find the safety and security they need in these two acts.

[1600]

The Chair: The member for Vancouver-Mount Pleasant, speaking to the amendment.

J. Kwan: Given that the member for Vancouver-Burrard has not risen to ask any questions during this debate on Bill 27, I have a list of questions that I have received from community members from the member for Vancouver-Burrard's area. They have a lot of concerns in this area, and they all pertain to the amendment that I have tabled. The amendment that I have tabled speaks directly to the issues that they are concerned about, and they have asked for the minister to make sure that those issues are indeed protected under the new definition of disability in Bill 27.

Let me just read this into the record. Here are the concerns that were asked about by the Pacific AIDS Network to the member for Vancouver-Burrard to raise these matters in the House, which he has not to date. The concerns are as follows: "Unusual and continuous costs have been removed from the definition. The current definition provides that applicants can qualify for disability status if they can demonstrate that they have need of assistance or have disability-related costs. Why has this been removed, and how will the new act address this issue?"

The amendment puts this back into the act so that it will address this particular issue that's been raised by the Pacific AIDS Network that the member for Vancouver-Burrard was supposed to ask the minister, which he has not.

The cost criterion has now been removed. The amount of money a person may need to spend in the care and management of his or her disability has no bearing on the application for disability benefits. This will affect, for example, people who may not need assistance but who have ongoing costs related to their disability. The amendment puts back the previous requirement to allow for an option for consideration for disability, and that is extra expenditures related to disability.

To qualify for disability benefits, applicants will have to be directly and significantly restricted in the ability to perform daily living activities. Daily living activities will be defined in the new regulations. Will PWAs be required to show that they need help with specific activities? What is the difference between significant assistance and extensive assistance? This wording change signals that there may be criteria more restrictive than are currently in place. Can you explain the rationale behind this change? This change, as we see it, would disqualify many PWAs from qualifying for disability benefits. Have we misread the bill's intent, or will the regulations address this concern? The minister has not answered these questions appropriately or satisfactorily to allay the fears that now lie in the hearts of PWAs.

To that end, the amendment addresses exactly that point: that the fear this government has caused — the member for Vancouver-Burrard has refused to raise these questions on behalf of his own constituents — is now going to be addressed through the amendment.

"Performing tasks within a reasonable period of time" has been removed. This change indicates that

the ministry will not consider the length of time that it takes an individual to perform tasks unaided. PWAs who struggle to remain self-reliant despite the difficulty and length of time it takes to perform daily tasks may not qualify. Again, have we misread the bill's intent, or will the regulations address this concern?

Just so there will be no confusion, once again, the amendment addresses this issue. It puts back the issue around "reasonable period of time to perform daily tasks" so that there is no confusion whatsoever around eligibility.

Questions continue. Will PWAs currently in receipt of a monthly health allowance — that is, schedule C — continue to receive the full amount awarded them by the minister or as the result of a tribunal or appeal decision? Will an individual with HIV/AIDS be entitled to disability benefits based on their doctor's advice? If so, will there be any changes in the criteria a doctor must consider when recommending a patient is disabled and should be provided disability benefits? Will a PWA be required by the ministry to see a doctor other than his or her own for any reason? If so, to whom, and when will this apply?

Given that Bill 27 has removed the designation of "permanent disability," can a PWA receiving disability assistance reasonably expect that if they return to work and become too ill to continue working after a period of time, they will be entitled to disability assistance within a reasonable time frame? And would there be interim assistance while the person is waiting for reinstatement to disability assistance?

[1605]

What kind of support programs are being contemplated to assist a PWA in preparing to return to work and would be available to enable them to continue employment, given the bill's emphasis on employment? Will the new bills and regulations allow a PWA that has an income that is the same or slightly more than the disability assistance levels — those on Canada Pension long-term disability in a low-income job or with some other income — to receive medical services only? Medical services only provide for some items of medical need, such as wheelchairs, walkers, etc.

These are the questions that have been asked by the Pacific AIDS Network for the member for Vancouver-Burrard to raise with the minister. The member for Vancouver-Burrard did not raise these issues during second reading. He did not raise these issues during committee stage reading on precisely the definition that changes eligibility.

The amendment I've put forward addresses all of these concerns, and I'm asking the minister, on behalf of this group: why wouldn't he support this amendment, when all of these concerns and the fears that have been caused in the broader community by this government's change on the eligibility criteria and the definition of disability would be addressed?

[1610]

Amendment negatived on the following division:

YEAS—2

MacPhail

Kwan

NAYS—47

Falcon	Coell	Hogg
Halsey-Brandt	Hawkins	Hansen
J. Reid	Bruce	Santori
van Dongen	Barisoff	Masi
Lee	Thorpe	Hagen
Murray	Plant	Collins
Nebbeling	Stephens	Neufeld
Coleman	Chong	Jarvis
Anderson	Orr	Nuraney
Brenzinger	Long	Chutter
Bennett	Hayer	Krueger
Bray	Nijjar	Wong
Bloy	Cobb	K. Stewart
Visser	Brice	Sultan
Hamilton	Sahota	Hawes
Kerr		Manhas

J. Kwan: I seek leave to make an introduction.

Leave granted.

Introductions by Members

J. Kwan: I just recognized that sitting in the gallery is Aaron Jasper. He is the president of the Vancouver-Burrard Riding Association. Would the House please make him welcome.

Debate Continued

J. Kwan: I wonder if it's all right, before we pick up on section 2, for us to take a ten-minute break. I would like to attend to some biological needs, if I may.

The Chair: We'll take a ten-minute recess and resume at 4:25.

The committee recessed from 4:15 p.m. to 4:25 p.m.

[H. Long in the chair.]

On section 2 as amended (*continued*).

S. Orr: I've listened, obviously, intensely to the debate. I have all the four previous bills. I've had a few things clarified, but I would like to ask.... I'm trying to get through all the debate and zero in and get a very clear picture. Obviously, this is to do with my constituents, because that's the people I represent. Yesterday I did hear from the minister very clearly that the daily

living activities were going to be defined in the regulations, so I've put that to one side.

Where I want to get comfort is here. I want to come at this as a small story. I have a bipolar constituent. I want to work through this. My bipolar constituent has been to see a registered psychiatric nurse. That registered psychiatric nurse has told my constituent that in fact she or he is bipolar. We now have a definition that he or she is bipolar. Her daily living activities, as with many bipolar people, are extensive. It takes them quite a bit of time just to get through the day — or to survive the day, I think, is more like it.

He or she — this is actually a real constituent I'm quoting here; that's why I'm not going to give whether it's male or female — doesn't need somebody to dress them in the morning or anything like that. This person is just surviving. She does need help going to the bank. I need to know where that person sits in this section. I need to know how you define that person. And is that person covered by disability?

Hon. M. Coell: Without commenting on specifics, because I don't know the specifics of the case, you outlined a number of things. I suspect that it would be probable that those conditions that you've indicated in the client would achieve the designation of a person with a disability, but it's hard for me to comment on the case, because I don't know the specifics of it.

S. Orr: I realize you can't speak on specifics. I actually do understand that, but it would seem to me that generally, if a person has a bipolar condition, under this definition if they needed help to go to the bank because that's part of their daily activity, they would be covered. Again, I don't want to make this specific.

Hon. M. Coell: I think I may have touched on this yesterday, but if you look at the qualifications under "daily living activities," there would be things like medication management, personal care — whether it be bathing, dressing, cooking, preparing meals — banking, finances, shopping, transportation, mobility inside and outside the house, basic housework. Those would all be daily living activities that would be taken into consideration.

[1630]

S. Orr: This is good for me. Again, I'm trying to make it clear for me, because there's so much debate going on. This is good. This tells me that what your definition of.... When it comes to a daily living activity, the ability to perform a daily living activity can be a very small thing like a trip to the bank. Or, as you said, maybe somebody helps them write their cheques or whatever. It's not a performance all day. Can I ask for clarity on that?

Hon. M. Coell: Yes, I think you're correct.

J. MacPhail: While my colleague is catching her breath, I want to explore another issue around the

definition that's causing some concern. As the minister may know, in the previous definition of disability under the Disability Benefits Program Act, it said: "...person with disabilities means a person who at the time this section comes into force was a handicapped person under the Guaranteed Available Income for Need Act" — in other words, we grandfathered people — "or a person who requires unusual and continuous monthly expenditures for transportation or for special diets or for other unusual but essential and continuous needs." That's been removed. That is not in the new definition of what would define or put parameters around who has a disability.

Here's a letter. There are several groups that are fairly concerned about this, but the minister did receive a letter from the Voice of the Cerebral Palsied of Greater Vancouver. The letter to the Minister of Human Resources was dated April 22 of this year. I just quote from it:

"By eliminating unusual and continuous costs from the definition, people who are disabled will either be pushed deeper into poverty or be forced to forgo spending money needed for the care and management of their disability. Their quality of life will be adversely affected as their health deteriorates. The health care system will also be strained as people are hospitalized due to poor health."

I'm just wondering if the minister could address.... These aren't the concerns of fearmongering; these are people advocating on behalf of those who have cerebral palsy.

Hon. M. Coell: The persons designated as persons with a disability will receive the higher rate.

J. MacPhail: Sorry. The higher rate for what? My apologies.

Hon. M. Coell: Persons with a disability receive a higher rate than people on income assistance as it is now. People on income assistance have \$510; people with a disability have \$786.

J. MacPhail: Maybe the minister misunderstood my point. The point is about whether people qualify for the higher rate or not. I understand that once they qualify they get the higher rate, but this new act under the Liberal government removes the parameter that would define a person as disabled and, therefore, eligible for the higher rate.

One of the determining factors under the old definition was whether the person required unusual and continuous monthly expenditures for transportation or for special diets or for other unusual but essential and continuous needs. That used to be part of the definition and is no longer.

[1635]

The reason that used to be part of the definition is because one can be functional and still disabled. The daily living tasks that the minister recounted as, perhaps, defining to the member for Victoria-Hillside are

able to be done by hundreds of thousands of people, but some of those people can do those and are disabled. This was a way, after numerous months of consultation with people who have disabilities, of clearly indicating who needed extra help to level the playing field when they had a disability — if they required unusual or continuous monthly expenditures for transportation. I know the minister may say that's perhaps covered off under "assistive device." Well, the people that advocate for people with cerebral palsy don't think it does. Or there's a special diet — I'll get to that in a moment — or other unusual but essential and continuous needs.

Those parameters of defining, in a very real way, what constitutes a disability are gone now. The Voice of the Cerebral Palsied of Greater Vancouver suggest that "by eliminating unusual and continuous costs from the definition, people who are disabled will either be pushed deeper into poverty or be forced to forgo spending money needed for the care and management of their disability." Perhaps the minister could explain, then, to the Voice of the Cerebral Palsied why that parameter in the definition was removed.

Hon. M. Coell: The member canvassed that issue of higher medical costs yesterday, and I stated that I believe we now have a more progressive definition, consistent with human rights law. I think if the member goes back to yesterday's *Hansard* and reads it, she'll find her answer in it.

J. MacPhail: That was in a question to the minister. There's no question about it — except that the Voice of the Cerebral Palsied don't accept that answer. Has the minister met with the Voice of the Cerebral Palsied?

Hon. M. Coell: I don't recall that they asked to meet with me.

J. MacPhail: Well, they wrote you a letter. I just wondered whether.... I'm reading from the letter they wrote asking these questions. There certainly was a series of questions. Let me read another part of the letter, then. This is what they assert. "By removing the one-year-and-likely-to-recur duration test from the definition, people with cyclical disabilities will be cut from benefits." That's what the Voice of the Cerebral Palsied of Greater Vancouver are saying.

I would assume that people with cerebral palsy believe they are subject to a negative judgment of the nature of their illness based on the fact that the one-year-and-likely-to-recur duration test is gone. That was why my colleague was trying to find out what sort of diagnoses still remain, in any way, to meet this test.

People with cerebral palsy are ever hopeful that there will be a cure or a move to remission. Unfortunately, there hasn't been. It is cyclical. There are good days, good months and, on the odd occasion, good years, but the disease is with them as they were born. What reassurance does the minister have for people with cerebral palsy?

Hon. M. Coell: I think the member knows as well as I that cerebral palsy is a permanent condition and that a one- or two-year test would not apply. I believe you would find that the designation of a person with a disability would be appropriate under Bill 27.

[1640]

J. MacPhail: Could the minister point to where, please?

Hon. M. Coell: Under the definition in section 2, which I've gone over probably a hundred times.

J. MacPhail: Well, the Voice of the Cerebral Palsied have read the definition, and they're comparing the old definition to the new definition. They don't seek that comfort that the minister tries to give by just reasserting the definition. Under the old definition, it said that one was classified as disabled if the impairment is likely to continue for at least one year and is likely to recur. That's the definition of cerebral palsy. Many, many people with cerebral palsy are functional and would be able to perform the daily living tasks that the minister seems to think is the reason upon which he will judge all disabilities, so there isn't comfort in the current definition for people with cerebral palsy.

I can actually appreciate the minister's frustration, but perhaps the frustration should be examined on what its source is. Is it that the definition is weak and doesn't properly capture people with disabilities?

Hon. M. Coell: I believe this definition will protect those people who need the designation of a person with a disability. We've looked at a number of ways of looking at the issue, and I think I have answered the member's question to the best of my ability.

J. MacPhail: Well, then, I am feeling less hopeful about this process.

All I'm going to do, then, along with my colleague, is to read people's concerns into the record. If that means the concerns are public and nothing beyond that, then I don't know what else we can do.

These concerns aren't from people who are ill informed or who lack knowledge in terms of what it means to live with a disability. These aren't people who are fearmongering, as the member for Vancouver-Burrard wants to challenge anyone. He wants to label his own constituents as fearmongers. These are people who live with these issues daily, and they're raising concerns. I would be just as happy to raise the concern of the Voice of the Cerebral Palsied, receive an answer and sit down.

Interjection.

J. MacPhail: They already have the legislation in front of them to which the minister refers as being the saviour for them. It was on the basis of it that they wrote their questions.

Well, I'll carry on, then. There's an analysis provided by the executive director of the Tiger's Eye Society. The executive director has a disability and presents workshops for people with disabilities, helping them navigate the system, so she comes forward with an expertise that's beyond mine. Here's what she writes:

"Presently, under the existing disabilities act" — the one that's being repealed — "one can qualify for being permanently disabled based on medical costs related to their disability. At tribunal level we have always interpreted this by guidelines given to us through offices that I believe are originally from the Ministry of Health in Victoria. These costs can include prescription medications; doctor-recommended herbs, vitamins and minerals; bus pass or gas for a car getting to medical appointments, etc.

[1645]

"This figure is a stand-alone qualifier at \$200 per month ongoing or can be \$100 per month or more if the need for personal assistance level is five to six hours per week or greater.

"The new Bill 27 eliminates any reference to costs of improving or maintaining the best health possible for the permanently disabled person. Thus, people with multiple sclerosis, for example, that can have drug costs of \$1,700 a month just to function and manage their condition will not be recognized under the new bill as disabled."

Her questions are: where will people be able to find support for the added medical costs incurred because of a disability? Secondly, what will the Ministry of Human Resources be doing to ensure that people are able to receive assistance in paying for their medical needs?

Hon. M. Coell: The simple answer to that is: the added medical costs will be recognized in a higher rate as it is in the BC Benefits legislation.

J. MacPhail: Is the minister somehow suggesting...? Can he give comfort to this woman who writes and say that she doesn't have a concern? Is that what he's saying — that there is no change? She's outlined very clearly from an expert point of view the way the system applied up until this legislation. Is the minister saying that system continues?

Hon. M. Coell: The rate will not change. I cannot comment on the conditions of individuals.

J. MacPhail: It's not a matter of the rate changing. It used to be that the medical costs associated with the disability contributed to being recognized as eligible for the higher rate. What this expert is saying is: here's how they used to determine medical costs associated with a disability. It was that if the person with a disability demonstrated \$200 a month ongoing extra costs or the need for personal assistance of five to six hours per week and \$100 a month in extra ongoing costs, the health guidelines said those are medical costs that are extraordinary, and then under the definition the person would qualify for disability benefits 2.

She is saying that with the government now removing any sort of qualifier related to medical costs resulting from the disability, there is now a potential that people with these extraordinary costs may not be recognized as having a disability that requires assistance. I'm sorry I didn't make that clear.

[1650]

Does that change? The act has changed, and that qualification is gone now. But will the system perhaps continue to apply in the same manner even without the legislated guarantee?

Hon. M. Coell: The new act, I believe, has the advantage that the individual does not have to show proof of medical costs through receipts. Under the new legislation the definition now recognizes that where assistance is needed for a functional limitation, there will generally be associated costs. These are recognized in the higher rate. As I've said, the definition under this new legislation now focuses on functional limitations that restrict an individual's ability to perform daily living activities.

Where assistance is needed for a functional limitation, there will generally be associated costs. By focusing on the functional limitations rather than medical costs, the ministry is bringing the definition of disability more in line with human rights case law. Moreover, no other Canadian jurisdiction uses costs as an indicator of disability.

J. MacPhail: Yes, I know it was quite a breakthrough that people with disabilities had in the 1990s in British Columbia, a huge breakthrough. You're quite right. We did lead the country. I know there's lots of things that this government likes to lead the country on — lowest taxes for the rich, the fewest environmental protections, the biggest cuts to legal aid — but they don't like to lead on the greatest support or the best recognition for people with disabilities. That's true. This government doesn't like to lead on that.

Let me ask this. You know what? We're finding it as frustrating as the minister is — the lack of answers. When the minister met with a group of people — I think he said when we were debating Bill 26 that he'd met with a group of people who were advocates of people with disabilities — was he able to assure them that the definition was fine? Are we just unaware that the minister has met with people with disabilities and assuaged their concerns and that these issues no longer apply? Is that what came out of that last meeting he had with them?

I'm referring to a discussion that the minister had under Bill 26, when we were talking about the Income Assistance Advisory Council. He used that as an opportunity to say that he'd recently met with people with disabilities and that some agreement had been reached or that it had been a fruitful meeting.

Hon. M. Coell: I've met with many individuals and many groups and have had lots of suggestions and

ideas put forward, all of which are taken into consideration when decisions are made.

J. MacPhail: Well, then I'm wondering why, as we debate this, we're being flooded with situations of people who live with this every day not being comforted. For those who sort of tune into a channel and wonder what all this hoopla is about, you know, people with disabilities who require assistance from the government get less than \$1,000 a month. We're not fighting over big stakes here. We're fighting over small stakes. In fact, a single person with a disability gets around \$800 per month.

[1655]

That's what we're fighting about, and people with disabilities fought long and hard to have their disability recognized, and they're about to learn whether this legislation that's being introduced, which is a huge step backward, will allow them to continue to have that \$800 a month.

Here's a person who has hepatitis C and has examined very carefully the new definition. In fact, this was sent at lunchtime today. It's a person with a disability. This person resides in the Victoria-Beacon Hill area. She is trying to apply the functional test that she heard the minister describe.

Yes, she can bathe herself. That's only because she can't get in and out of a tub, but she does have a shower that still works. She can dress herself, but she can't wash her floors or clean her toilet. She can't do her laundry regularly because it's extremely painful, and she has to go to a laundromat; therefore, she has to wait. She's been waiting six weeks for her illness to subside so that she can tackle this job at a laundromat. She has skin disorders related to the hepatitis C, and the lack of ability to wash her laundry is affecting her allergies. She gets skin disorders and allergies. She has photosensitivity, and she has exophthalmus related to her hepatitis C. She makes a note — it's not relevant to this debate — that she has to pay for her eye exams now.

Here are her extraordinary costs, all related to hepatitis C. She has skin and ocular allergy medications that she has to purchase. She has to pay for her eye exams. She has to buy rubbing alcohol, artificial tears, Murine and special powders to clean her clothes because of her allergies. She has to purchase Gold Bond powder, Lanacane, dry skin cream and bleach because of her skin disorders — all related to her hepatitis C. It's quite confirmed that it's direct, and yet she is worried that none of this will be taken into account — none of it, absolutely none of it. I have to tell you, this woman was listening to the debate, and she said she was extremely upset by the debate. I'll quote from the woman who sent this in: "When I hear deliberate misleading statements, I get extremely upset as I try to find these items, and they're not where the minister says. I am incensed that people of this province are misled into believing that these changes are for the better."

[1700]

I have to tell you that this was a learning exercise for me. Even with my years of living amongst people

with disabilities and meeting over and over again with people with hepatitis C, I was unaware of the way the disease debilitates certain people, and I was unaware of the associated costs.

These aren't prescription costs, as the minister may be aware, nor should they be. They shouldn't be prescription costs, nor is anyone asking that they be. But they are huge expenses. Now, this person suffering from hepatitis C believes that these won't be taken into account. Is she right?

Hon. M. Coell: I think earlier I gave a list of examples to the member. But certainly those kinds of factors would be recognized as conditions that require supervision — difficulty in bathing and laundry. It does not mean that the individual has the actual help but because their condition would otherwise need help.... On the basis of that, I think the person would fit the definition.

Again, this individual would not receive a reduction in her rate but would continue to receive the higher rate for a person with a disability under Bill 27.

J. MacPhail: Yes, I think this woman actually heard the minister say that, and then she searched for where she could bring something to demonstrate that she qualified. It was clear before, under the act, that she had unusual and continuous monthly expenditures, but it's not clear anymore.

Was that reading from a regulation — that the minister just did?

Hon. M. Coell: No.

J. MacPhail: It's not in the act, and it's not a regulation. I guess what this woman is asking for when she says here: "When I hear deliberate misleading statements I get extremely upset as I try to find these items and they're not where the minister says...." There she is, trying to find out exactly how it works for her. There's no regulation.

Isn't that interesting? If we hadn't asked these questions, would that statement by the minister even be on record?

Yet people from the Liberals accuse us of standing up and fearmongering. No regulations. No legislation. Thank God, we're asking the questions so at least that statement can be put on the record.

Yet then we make the point, because this woman.... It's good that the minister says you don't have to qualify for home care because even with her disabilities, she's been cut off home care — had her home care cut. It's good that you can need home care, but even though you don't get it, you can still use that as a qualification.

I have a couple more items to complete here, and then my colleague will ask some questions.

There have been some concerns, particularly around the issue of people with mental illness raising these issues. Previously, people with disabilities had to show that their disability existed for two years continuously or that it was likely to continue for one year

and then recur. That's the definition that's been repealed.

[1705]

Under this proposed legislation the definition of disability requires that the disability will continue for at least two years and that it either remains continuously or periodically for extended periods. To me, that's a tightening of the eligibility requirements, and I am informed that individuals with neurological disabilities such as multiple sclerosis, as well as people — and I started off with saying people with mental illness, but not all of these are mental illnesses — with cyclical disabilities, such as rapid-cycling bipolar disorder, depression or anxiety disorders, will not qualify or will have to experience months and months of illness before they're proven to be disabled. What does the minister say to that?

Hon. M. Coell: This government is committed to people with mental health disorders. I am confident that these people will have safety and security not only in these acts but in other programs that this government is putting forward. Persons with a mental disorder are specifically included in subsection (3)(a).

J. MacPhail: Yeah, I understand that. Maybe this is the first time I'm hearing it. Does that mean that a person under (3)(a), "a person who has a severe mental impairment includes a person with a mental disorder," doesn't have to meet the tests under (2)?

Hon. M. Coell: No, that's not correct.

J. MacPhail: I guess those are the kind of statements that upset people with disabilities, when somehow that's offered up as reason why these issues aren't legitimate.

We're talking about how one qualifies. One still has to qualify. It says that in the opinion of a medical practitioner, the impairment is likely to continue for at least two years. We've already had a letter from a mental health worker about the cyclical nature of mental illness and the fact that part of the therapy is to demonstrate ongoing, continuous, functional lifestyle. Yet there will be a challenge, perhaps, that they will have to live with that for two years before they can qualify.

The Minister of Human Resources has stated over and over again that the vast majority of people on disability benefits 2 will "roll over" onto continuous assistance. We don't know what number or percentage corresponds to "vast." We have to acknowledge that the optimism of the minister is welcome, but if that's the case, what is the reason for severely restricting the definition or bringing such substantial change to the definition if nothing, in the minister's mind, is going to change? Is it about people down the road qualifying?

[1710]

Hon. M. Coell: A clarification. When the new act comes into force later this year, all existing disability benefits 2 clients will be transferred to the new act and

designated as persons with a disability. While some clients will be asked to reapply, it is important to note that not all DB-2 clients will be reassessed under the new criteria. The ministry will be reviewing all current disability client files internally. If sufficient information exists on a client's file to determine their eligibility based on the new criteria, they will not need to be reassessed.

J. Kwan: My colleague from Vancouver-Hastings highlighted a case with a particular woman who has hepatitis C. In British Columbia there are some 40,000 individuals who have hepatitis C. There are an additional 40,000 people who have been diagnosed with hepatitis B. We have in British Columbia approximately 44,000 of those individuals who are on DB-2.

The one particular case that my colleague from Vancouver-Hastings raised highlighted extraordinary expenses as a result of this individual's illness — disability, if you will. Under the former act for DB-2, the person was qualified because she had extraordinary expenses. In this act those issues that allow her to qualify will now be gone. She is worried. The minister says: "Well, she doesn't necessarily have to prove that she needs home care assistance or supervision for her daily living tasks, because her daily living tasks home care support that she's receiving under this ministry is now gone. That's being cut."

So it will be even more difficult for her to prove that she needs this daily living tasks assistance, because the ministry no longer provides for it, even though she's getting it now. The ministry's cutting that support. She no longer gets it. I think it will be very difficult for this person to prove to the ministry that she does need extra help. She has lots of extra expenses, but the extra help that she had been receiving from the ministry, which is now being eliminated because the ministry no longer provides for that service.... One could interpret that to understand that those services are no longer required. That's a possibility for this person.

In fact, this individual had phoned her MLA, who is the MLA for Victoria-Beacon Hill, and spoke with the staff there, who didn't understand the difference between "care home" and "home care." The person is still waiting to hear back from the MLA on this issue. I just want to highlight this case because it's one of many cases of people with hepatitis C and hepatitis B.

Then I turn to the regulation that is now in place arising from the BC Benefits Act, which is what was formerly called the Disability Benefits Program Act. In the regulations arising from this, there's a section that's called "disability-related costs." They mean:

"...the costs of providing a person with disabilities with the following: (a) devices, or medical aids, related to improving that person's health or well-being; (b) caregiver services or other services related to that person's disability; (c) education or training; (d) renovations to that person's principal residence to accommodate the needs resulting from that person's disability; (e) necessary maintenance for that person's principal residence; (f) any other item or service necessary to promote the independence of that person."

Under the Disability Benefits Program Act, these regulations allow for recognition of the extra expenses that people incur as a result of their disabilities that qualify them for DB-2. I want to ask the minister: in the new regulations that the minister says are coming sometime soon, will the new regulation recognize disability-related costs?

Hon. M. Coell: A couple of things. I think the member is citing disbursements from trusts under the BC Benefits regulation. She could correct me on that. [1715]

Hon. G. Plant: Mr. Chair, I move the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:15 p.m.

The House resumed; J. Weisbeck in the chair.

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

Hon. G. Plant: I move third reading of Bill 45.

Third Reading of Bills

LEGAL SERVICES SOCIETY ACT

Bill 45, Legal Services Society Act, read a third time and passed.

Deputy Speaker: Members, I believe the Lieutenant-Governor is in the precinct. If you'll just keep your seats for a few moments, she'll be with us shortly.

Members, the Lieutenant-Governor is about to enter the chamber. Would you please be seated.

[1720]

Royal Assent to Bills

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

Law Clerk:

McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement Amendment Act, 2002

Degree Authorization Act

Interjurisdictional Support Orders Act

Securities Amendment Act, 2002

Trustee Investment Statutes Amendment Act, 2002

Environment Management Amendment Act, 2002

Waste Management Amendment Act, 2002

Deregulation Statutes Amendment Act (No. 2), 2002

Energy and Mines Statutes Amendment Act, 2002

Food Safety Act

Legal Services Society Act

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

Her Honour the Lieutenant-Governor retired from the chamber.

[J. Weisbeck in the chair.]

Hon. G. Plant: I call committee stage on Bill 27.

Committee of the Whole House

EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES ACT (continued)

The House in Committee of the Whole (Section B) on Bill 27; H. Long in the chair.

The committee met at 5:24 p.m.

On section 2 as amended (continued).

J. Kwan: Yes, my apologies. The minister is right. These are disability-related clauses that are under the heading "Assets Held in Trust for a Person With Disabilities."

Hon. M. Coell: They will continue in the new act.
[1725]

J. Kwan: Yesterday I asked the minister whether or not he sent out a letter to people with disabilities to advise that things are changing and that people with disabilities ought to be going out to look for work. The minister had advised that there was no such letter sent out. Since that time I have received from an individual a copy of the letter with the name struck out. It was indeed a letter from the minister, signed by the minister with an attachment. The attachment appears to be the minister's website advising people of that change. The letter was dated March 18, 2002. Let me just read the letter into the record.

"The Minister of Human Resources will introduce the new B.C. employment and assistance program on April 1, 2002. The changes that the ministry is making to income assistance recognize that the people the ministry serves are truly a resource. We will focus on assisting individuals and families in need and moving people to sustainable employment. We believe in the value of self-sufficiency in which people are supported in achieving their potential.

"There will be a renewed emphasis on employment with temporary assistance for those who are able to work. We have also committed to provide assistance to people with disabilities and others who are unable to fully participate in the workforce. At the same time, we'll implement new strategies to support persons with disabilities to move in and out of employment as they're able.

"In British Columbia jobs become available every day, and as the economy is revitalized, job opportunities will grow. We want to assist people to have the

motivation and the skills they need to get a job and lead more fulfilling and independent lives. During the next three years the ministry will spend over \$300 million in job-placement and job-training programs.

"B.C. employment and assistance will be implemented over the coming year, with some changes effective April 1, 2002. Information regarding changes which may pertain to you are attached to this letter. More detailed information on these changes is available on the ministry's website at www.gov.bc.ca/mhr or by calling the toll-free ministry information line at 1-800-668-2800 provincewide or 604-775-2800 in the metropolitan Vancouver area. Staff at this number can provide information regarding the policy changes. The information line is open Monday through Friday, 8 to 5. For information regarding eligibility please contact your local Ministry of Human Resources office."

This letter was sent out by the minister on March 18. The website the minister referenced, which I have pulled up, is the website that talks about B.C. employment and assistance information for people with disabilities. I should first just note that the website essentially speaks as though the act has already been passed. As well, the minister has said that the regs which will be brought into force won't be introduced until the summer, but if you read the website and the information and the way in which it's written, it is as though the act we're now debating has already been passed and those regulations have already been brought into place.

The letter I wanted to reference that the minister... The minister may say, "Well, it's just a letter to advise people that changes are coming," but a lot of people have received this letter, and they interpret it to mean that they need to go out and get a job — even people with disabilities. That's how people have received this letter and interpreted it, with the attachment that was sent to them.

In fact, I got a call late yesterday, in the evening, as we were engaging in this debate. The individual had heard the debate when I asked the minister about whether or not the minister sent out a letter telling people on disabilities to go out and look for work and when the minister replied no. This call came into my office, and it was picked up in a voice message because we were up here for the debate. This morning we pulled it off our voice mailbox. Here's what the message says in response to the debate. I'm quoting directly from the message that was left. "The minister is kind of lying. I did receive a letter. I was on disability, but then they have taken me off. I'm on social assistance now and feeling pressured into looking for work. I suffer from anxiety-depression, and feeling this pressure makes it a lot worse."

[1730]

Here we have a live person who did receive a letter from the minister telling them to go and look for work and who then was cut off disability 2 and put on regular income assistance, feeling extreme pressure. The medical condition the person has is anxiety-depression. What does the minister say to this individual?

Hon. M. Coell: This was a letter to advise people of some changes. It was not a seek-work letter.

J. Kwan: I had predicted the minister was going to say that it was a letter to advise people.

As a result of this letter, which basically advises people on disability that they need to go out and look for work, I have a case that came in last night. The person listened in on the debate, phoned and advised they did receive a letter. This person was on disability, and then was taken off disability and put on regular income assistance and is now pressured to look for work. The person suffers from anxiety-depression and is feeling the pressure that she has to go look for work is making matters worse.

The minister says on the one hand that this letter is really just to advise people. The net result of this letter going out to individuals and also to the field — the FAWs, the people who are doing the work — not through their own initiative.... They have been told by the changes in the regulations through the website which, when you pull it off the website and read through, sounds as though, the way it is written, the changes in this House that we're debating now have already been passed and that the regulations are already in place. In fact, workers are going about implementing this. We have a case in point where a person who was on disability 2 was cut off disability 2 and told to look for work.

I'd like the minister to please explain to this person — I don't want to use this person's name for privacy issues — about the discrepancy that he continually says that somehow Bill 27 and the changes that he's bringing about are somehow better for people who are faced with disabilities.

Hon. M. Coell: A clarification for the member. None of the employment initiatives for persons with a disability that are able to work were initiated in April. Only the changes to the regulations at BC Benefits were announced in April. The changes will be brought into force when this legislation comes into force.

FAWs have not implemented changes to persons with a disability. The intention is also to have a new employment strategy available for these individuals — only for those who are able to work.

J. Kwan: It appears there is a discrepancy here. This is what the minister says, and I have a case of a person that phoned my office yesterday after listening to the debate, who tells otherwise. The person received a letter. The person was on disability, is now cut off disability, has been told to look for work and is very much stressed about this. The medical condition this person is faced with is anxiety-depression. This pressure she's faced with is not helping matters any. There's a huge discrepancy between what the minister says versus what is going on in the field.

[1735]

Hon. M. Coell: I think the member, probably as well as me.... We don't have the specifics of the case, but it's probable that any changes would be related to the individual's circumstances.

J. Kwan: Well, from reading the information, I don't get that sense at all. Maybe the minister is just wanting to push it off and say: "Hey, you know, maybe the person is no longer suffering from anxiety-depression." The person states outright that she — I shouldn't say she, because it could be a he — is suffering from anxiety-depression, and he or she is feeling that the pressure is just making matters worse.

Maybe the minister can advise this for this individual: when will these changes come into place? When will they come into place, and when will they become effective — on what date — so that the person can go back to the FAW and say: "Look, my condition hasn't changed; I should not be cut off disability, and I should not be pressured to work"?

This letter, by the way, that the ministry has sent out is not really a letter to pressure people to work. It's just to inform them of changes. That's what the ministry has said.

Hon. M. Coell: I think an answer to the member's question would be that the changes will come into place when the legislation is passed and brought into force and the regulations have been deposited.

J. Kwan: What's the time line for the regulations to come into effect? When will they be ready for people to look at, and when will they be coming into effect?

Hon. M. Coell: They're under development now, and I don't anticipate it will be a lengthy period.

J. Kwan: During estimates the minister said that when we debate this legislation, the regulations would be ready. Then he changed his tune, and he said it would be a little bit later after that and not at the same time as the bill was introduced. It's been at least several weeks since the bill was introduced. Now we're debating third reading on this matter, and the regulations are still not before this House. Can the minister be a little bit more specific than "sometime soon"? That "sometime soon" definition has stretched for at least, I believe, a couple of months now.

Hon. M. Coell: We're actually only on section 2 of the act, so we may have a little bit of distance to go. We're working. I wanted to make the commitment that they would be done quickly. I mentioned earlier that the BC Benefits took a year, and I thought that was too long, and I wanted to have the regulations as quickly as we could.

J. Kwan: Is the minister then suggesting that if debate keeps on going for Bill 27, it would never come into effect?

Interjections.

J. Kwan: Well, it was the minister who said that we're only on section 2 so therefore it will take some time. Rest assured it will take a lot of time, because we

do have a lot of questions on these fundamental changes in people's lives.

I do want a more specific time line from the minister, which I have not been able to get. People are wanting to know when this uncertainty will end. The minister claims the changes are not going to impact people's lives negatively, yet when the amendment was tabled around eligibility, around defining who is a person with disabilities, which would actually settle that uncertainty, the minister voted against it. In fact, the entire Liberal caucus voted against it, save and except for my colleague and I, who put the motion forward. We were the only ones who supported it.

That would have ended all the uncertainty, and the minister could take his time in doing the regulations. But no, the minister didn't want to do that. He said it wasn't going to impact people, but he cannot come forward with clarity on this matter — no regulations, no time line associated with this.

[1740]

I want to put up another case. This just came in last night from the debate last night. Another individual on disability 2, a 50-year-old person, has had breast cancer twice and has fibromyalgia and depression. She is very concerned about what will happen to her under the income assistance changes. The anxiety is making her health problems worse, to the point where she can't perform her usual daily activities. Fearful that she'll be forced to look for work, she has heard that the government — not from the opposition; heard from the government — will be requiring the social assistance workers to take the responsibility of categorizing people, and yet they don't have any medical experience.

Could the minister, then, please respond to this person's concern, whereby she has heard from the government that they will be requiring social assistance workers to take the responsibility of categorizing people, and yet they don't have any medical experience?

Hon. M. Coell: That simply won't be happening.

J. Kwan: Is the minister saying that FAW social workers will not be responsible for categorizing people in terms of their eligibility for disability under this act?

Hon. M. Coell: To clarify for the member, the adjudication is currently done by the health benefits branch and will continue to be done and assessed by a medical practitioner.

J. MacPhail: The reason why this is so important, Mr. Chair, under section 2 is because this section is the key one around eligibility, and pretty much everything else flows from this section. That's why we're spending so much time on this section and why it's so important to have all of the supporting information that surrounds the determination of eligibility.

My colleague has pursued the matter of the time lines for tabling regulations, because perhaps the regulations could alleviate concerns, or perhaps the regulations could be examined by the front-line workers to

say: "This is what will work, and this is what won't work." It's my view that this will mean a huge change for front-line workers, for the financial assistance workers. They may not be doing the medical assessments, but they'll be using that medical information to do everything else. Will it be entirely up to a physician to declare eligibility?

Hon. M. Coell: It'll be the same as the current process.

J. MacPhail: For those of us who aren't completely current, could the minister describe that, please?

Hon. M. Coell: I think I may have answered the question already. Presently and in this act the adjudications will be done by the health benefits branch, and the assessment done by the medical practitioner would be used in that.

J. MacPhail: Okay, so the medical practitioner gives the information, and then there's a group of people called the health benefits branch. They report to the minister; they're part of the Ministry of Human Resources. Then they fill out a form or do the assessment. Then that information is transmitted to the financial assistance worker. Is that how it works?

[1745]

Hon. M. Coell: The decision is actually made at the benefits branch, and the status is then sent back to the FAW. That's actually been in place since B.C. Benefits and will continue.

J. MacPhail: It still means that the health benefits branch, who are a group of people, will need a whole new set of regulations because things are changing. I know that we're not quite clear on the extent of the change, but things are changing, or else there's absolutely no reason why we're here. I assume that will require quite a little rewrite.

There will also have to be guidelines for physicians. I believe that physicians are not just going to simply, out of context, fill out medical assessments without understanding the impact of what that means for the individual, particularly for people with mental illness, particularly for people with episodic illnesses. What kind of discussion around these eligibility requirements under section 2 is occurring with the College of Physicians and Surgeons?

Hon. M. Coell: I think we may have broached this yesterday, but I'll try again.

The new application form and the assessment tool are under development with the Ministry of Health. We will also discuss with physicians and other health professionals including the BCMA.

J. MacPhail: I expect it may have more to do with.... A wild guess here: it's not a bargaining issue;

it's an issue to do with the role of a physician in determining a person's future.

We touched on some of this stuff but not the area that I am pursuing, with respect, Mr. Chair.

I know during estimates my colleague asked whether it would be the person's own personal medical practitioner who would do the assessment. Does that still stand?

Hon. M. Coell: Yes, it's up to the individual to choose their doctor or any of the other health professionals on the list.

J. MacPhail: In other jurisdictions where medical assessment is a determinant of pay, physicians have had fairly strongly held views on participating in that. Has the minister received any feedback of concern from physicians in this area?

Hon. M. Coell: Not to date.

J. MacPhail: That, for me, completes this particular section about the doctors. The minister has worked extremely hard today. We will be going into another section on section 2. I'm wondering whether we should rise, report progress and ask leave to sit again. I move that.

[1750]

Motion approved.

The House resumed; J. Weisbeck in the chair.

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

Hon. G. Plant moved adjournment of the House.

Motion approved.

The House adjourned at 5:52 pm.