JOURNALS OF THE LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF BRITISH COLUMBIA

SESSION 2001

Tuesday, June 19, 2001

SIX O'CLOCK P.M.

This being the first day of the first meeting of the Thirty-seventh Parliament of the Province of British Columbia for the dispatch of business, pursuant to a Proclamation of the Honourable Garde B. Gardom, Q.C., Lieutenant Governor of the Province, dated the 18th day of June, 2001, the Members took their seats, after having taken the prescribed oath and having signed the Parliamentary Roll.

The Honourable GARDE B. GARDOM, Q.C., Lieutenant Governor of the Province, having entered the House, took his seat on the Throne.

The Honourable G. Plant (Attorney General) said:

Members of the Legislative Assembly:

I am commanded by His Honour the Lieutenant Governor to announce that he does not see fit to declare the cause of his summoning you at this time and will not do so until you have chosen a Speaker to preside over your Honourable Body. His Honour the Lieutenant Governor hopes to be enabled to declare, later today, his reason for calling you together."

His Honour was then pleased to retire.

A ballot was held regarding the Election of Speaker.

E. George MacMinn, Q.C., Clerk of the House, having declared Claude Richmond, Member for Kamloops Electoral District, duly elected, he was then taken out of his place, by the Hon. G. Collins and Ms. MacPhail and conducted to the Chair and made a statement expressing his grateful thanks to the House for the great honour they had been pleased to confer upon him by electing him to be their Speaker.

The Speaker declared a short recess.

Prayers by the Reverend Pamela Ormond.

The Honourable GARDE B. GARDOM, Q.C., Lieutenant Governor of the Province, having entered the House, took his seat on the Throne. The Speaker standing on His Honour's right, then spoke to the following effect:

MAY IT PLEASE YOUR HONOUR:

The House of Assembly has elected me as their Speaker, though I am but little able to fulfill the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault be imputed to me and not to the Assembly, whose servant I am, and who, through me, the better to enable them to discharge their duty to the Queen and country, humbly claim all their undoubted rights and privileges, especially that they may have the freedom of speech in their debates, access to Your Honour's person at all seasonable times, and that their proceedings may receive from Your Honour the most favourable interpretation.

The Hon. G. Plant (Attorney General) then said:

HONOURABLE SPEAKER:

I am commanded by His Honour the Lieutenant Governor to declare to you that he freely confides in the duty and attachment of the House of Assembly to Her Majesty's person and Government, and not doubting that their respective proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow, their constitutional privileges. I am commanded also to assure you that the Assembly shall have ready access to His Honour the Lieutenant Governor upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction.

His Honour the Lieutenant Governor was then pleased to open the Session by the following gracious Speech:

Honourable Speaker, Members of the Legislature:

It is my pleasure to address you on the opening of the First Session of the Thirty-seventh Parliament of British Columbia.

I am pleased to welcome many new members to the Legislature. British Columbians have elected a new government to serve them and lead their Province. I want to express my appreciation to returning and new members as you take up your duties, which as always will challenge and reward you as you serve the public. Our citizens are entitled to your best, and I am confident you will all meet their expectations.

My government has made many commitments to British Columbians. It has said that over its term it will restore business confidence in British Columbia and attract new investment; improve our education system; protect the environment; and make the processes of government more open, responsive and accountable. It has committed to an aggressive ninety-day agenda of change.

No commitment, however, represents a greater challenge than the improvement of health care.

Like other provinces and indeed other countries, British Columbia faces the need to provide better patient care to meet the requirements of our growing and aging population. Properly targeted resources, a long-term health-care plan, improved public health services, and better community and mental health care are all part of my government's agenda.

These issues, and more, will be addressed in future legislative sessions.

There is, however, a more urgent health-care issue facing British Columbians and my government. A long labour relations dispute between the Nurses Bargaining Association and the Health Employers Association of BC has brought British Columbia's health-care system to a point of crisis. Patients requiring immediate care cannot get beds, and their treatment is deferred. An accumulating backlog of people requiring care will burden the system for many months to come. In recent weeks, another dispute between the employers and the Health Sciences Association threatens additional delays, and more backlogs.

My government recognizes the issues that have led to this situation, and believes they must be addressed. All British Columbians, including those who work in the health-care system, want and demand a successful system, but the underlying problems that have built up over many years cannot be addressed in weeks, or even months. A joint effort — requiring the best of my government, our public servants, the health authorities, health professionals, and health-care unions — will be required. Our citizens demand nothing less.

In the short term, however, my government must address the immediate problem. Sending seriously ill patients to hospitals in Washington, while necessary, serves only those in critical need. British Columbians want to see a full restoration of health services now.

My government intends to act decisively, and will present legislation in this session to restore health services. In doing so, it will provide time for the health unions and employers to explore solutions to the most pressing issues that are preventing agreement. My government regards the protection of services that are essential to the well-being of the people of British Columbia as a primary obligation. British Columbians know there is a need for action. My government believes that the calm of reason will allow us to move forward caring for patients while supporting health-care professionals, and that most British Columbians will understand the need for this action.

I leave you to the important business of this session, confident that you will fulfill the heavy responsibilities to British Columbians the electorate has placed on you.

His Honour the Lieutenant Governor was then pleased to retire.

The Speaker reported that, in order to prevent mistakes, he had obtained a copy of His Honour's Speech.

The certificate of the Chief Electoral Officer of the result of the election of Members to represent the respective electoral districts of the Province in the Legislative Assembly at the general election was ready by *Ian D. Izard*, Esq., Law Clerk and Clerk Assistant, as follows:

CHIEF ELECTORAL OFFICER
"ELECTIONS BC
"Victoria, B.C., June 7, 2001

"E. George MacMinn, Q.C.

"Clerk of the Legislative Assembly

"Room 221, Parliament Buildings, Victoria, B.C. V8V 1X4

"Re: General Election, May 16, 2001

"DEAR SIR:

"His Honour the Lieutenant Governor, by his Proclamation issued on April 18, 2001, was pleased to dissolve the Thirty-sixth Legislative Assembly of the Province, and it was necessary to hold elections to fill vacancies caused by such dissolution. Writs of Election were issued on that date calling for a general election on May 16, 2001. The Writs were returnable on or before June 7, 2001.

"The elections were duly held pursuant to the provisions of the *Election Act*.

"Requests were made under section 136 of the *Election Act* for recounts in two electoral districts, namely,

VICTORIA-BEACON HILL

VICTORIA-HILLSIDE.

"I hereby certify that the following members have been elected to represent their respective electoral districts as set out hereunder:

Electoral District	Elected Member
ABBOTSFORD-CLAYBURN	. John van Dongen
ABBOTSFORD-MOUNT LEHMAN	. Michael de Jong

Electoral District	Elected Member
Alberni-Qualicum	Gillian Trumper
BULKEY VALLEY-STIKINE	Dennis MacKay
BURNABY-EDMONDS	Patty Sahota
BURNABY NORTH	Richard T. Lee
BURNABY-WILLINGDON	John Nuraney
BURQUITLAM	Harry Bloy
CARIBOO NORTH	John David Wilson
CARIBOO SOUTH	Walt Cobb
CHILLIWACK-KENT	Barry Penner
CHILLIWACK-SUMAS	
COLUMBIA RIVER-REVELSTOKE	Wendy McMahon
COMOX VALLEY	Stan Hagen
COQUITLAM-MAILLARDVILLE	
COWICHAN-LADYSMITH	Graham P. Bruce
Delta North	Reni Masi
DELTA SOUTH	Val Roddick
EAST KOOTENAY	Bill Bennett
ESQUIMALT-METCHOSIN	
FORT LANGLEY-ALDERGROVE	
KAMLOOPS	
KAMLOOPS-NORTH THOMPSON	Kevin Krueger
KELOWNA-LAKE COUNTRY	•
KELOWNA-MISSION	
LANGLEY	Lynn Stephens
MALAHAT-JUAN DE FUCA	
MAPLE RIDGE-MISSION	
MAPLE RIDGE-PITT MEADOWS	Ken Stewart
Nanaimo	Mike Hunter
Nanaimo-Parksville	Judith Reid
Nelson-Creston	Blair F. Suffredine
NEW WESTMINSTER	Joyce Murray
NORTH COAST	
NORTH ISLAND	Rod Sanderson Visser
NORTH VANCOUVER-LONSDALE	Katherine Whittred
NORTH VANCOUVER-SEYMOUR	Daniel Jarvis
OAK BAY-GORDON HEAD	Ida Chong
OKANAGAN-VERNON	
OKANAGAN-WESTSIDE	
PEACE RIVER NORTH	Richard Neufeld
PEACE RIVER SOUTH	
PENTICTON-OKANAGAN VALLEY	Bill Barisoff
PORT COQUITLAM-BURKE MOUNTAIN	Karn Manhas
PORT MOODY-WESTWOOD	
POWELL RIVER-SUNSHINE COAST	•
PRINCE GEORGE-MOUNT ROBSON	<u> </u>
PRINCE GEORGE NORTH	•
PRINCE GEORGE-OMINECA	Paul R. Nettleton
RICHMOND CENTRE	
	-

Electoral District	Elected Member
RICHMOND EAST	
RICHMOND STEVESTON	. Geoff Plant
SAANICH NORTH AND THE ISLANDS	. Murray Robert Coell
SAANICH SOUTH	. Susan Brice
Shuswap	. George Malcolm Abbott
SKEENA	. Roger Brendan Harris
SURREY-CLOVERDALE	. Kevin Falcon
SURREY-GREEN TIMBERS	. Brenda Locke
SURREY-NEWTON	. Tony Bhullar
SURREY-PANORAMA RIDGE	. Gulzar Cheema
SURREY-TYNEHEAD	. Dave Hayer
SURREY-WHALLEY	. Elayne Brenzinger
SURREY-WHITE ROCK	. Gordon J. Hogg
VANCOUVER-BURRARD	. Lorne Mayencourt
VANCOUVER-FAIRVIEW	. Gary Farrell-Collins
VANCOUVER-FRASERVIEW	. Ken Johnston
VANCOUVER-HASTINGS	. Joy MacPhail
VANCOUVER-KENSINGTON	. Patrick Wong
VANCOUVER-KINGSWAY	. Rob Nijjar
Vancouver-Langara	. Val Anderson
VANCOUVER-MOUNT PLEASANT	. Jenny Wai Ching Kwan
VANCOUVER-POINT GREY	. Gordon Campbell
VANCOUVER-QUILCHENA	. Colin Gordon Hansen
VICTORIA-BEACON HILL	. Jeff Bray
VICTORIA-HILLSIDE	. Sheila Orr
WEST KOOTENAY-BOUNDARY	. Sandy Santori
WEST VANCOUVER-CAPILANO	. Ralph Sultan
WEST VANCOUVER-GARIBALDI	. Ted Nebbeling
YALE-LILLOOET	. Dave Chutter

"Yours very truly

"Robert A. Patterson
"Chief Electoral Officer"

On the motion of the Hon. G. Plant (Attorney General) it was Ordered —

That the certificate of the Chief Electoral Officer of the result of the election of Members be entered upon the Journals of the House.

On the motion of the Hon. *G. Plant* (Attorney General), Bill (No. 1) intituled *An Act to Ensure the Supremacy of Parliament* was introduced, read a first time, and *Ordered* to be placed on the Orders of the Day for second reading at the next sitting after today.

On the motion of the Hon. G. Collins, seconded by Ms. MacPhail, it was Ordered —

That *John Weisbeck*, Member for Kelowna-Lake Country Electoral District be appointed Deputy Speaker for this session of the Legislative Assembly.

On the motion of the Hon. G. Plant (Attorney General), it was Ordered —

That the Votes and Proceedings of this House be printed, being first perused by the Speaker, and that he do appoint the printing thereof, and that no person but such as he shall appoint do presume to print the same.

Ms. *MacPhail* reserved her right to raise a matter of privilege relating to the status of her party as Official Opposition and related matters.

The Speaker stated that he was prepared to receive submissions in an attempt to resolve this matter short of a formal decision from the Chair.

The Hon. *G. Bruce* (Minister of Skills Development and Labour) presented to the Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

GARDE B. GARDOM, Q.C.

Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 2) intituled *Health Care Services Continuation Act* and recommends the same to the Legislative Assembly.

Government House,

June 18, 2001

Bill introduced and read a first time.

The Speaker declared a short recess for distribution of the Bill.

The Hon. G. Collins proposed that, pursuant to Standing Order 81, the Bill be permitted to be advanced all stages this day.

Ms. Kwan made representations.

Ms. MacPhail made representations.

The Speaker declared a short recess.

The Speaker delivered his reserved decision as follows:

Honourable Members:

I have now had an opportunity to consider the arguments presented in relation to Bill No. 2 and I have examined previous decisions of this House relating to Standing Order 81.

I am fully aware of the stringent guidelines which apply to any application to advance legislation more than one stage in one day, but I am persuaded by the precedents and the arguments presented that this Bill fits that narrow class which fills the requirements of Standing Order 81.

I therefore rule that this Bill may be permitted to advance all stages this day.

CLAUDE RICHMOND, Speaker

On the motion for second reading of Bill (No. 2) intituled *Health Care Services Continuation Act* a debate arose.

Upon a point of order being raised by the Government House Leader leave was granted for the Member for Vancouver-Hastings to have up to 2 hours time in debate on second reading of Bill 2.

The debate continued.

The House divided.

Motion agreed to on the following division:

YEAS—76

Falcon Thorpe CoellHagen Hogg Murray L. Reid Plant Halsey Brandt Campbell Hawkins Collins Whittred ClarkCheema Bond Hansen de Jong J. Reid Nebbeling Bruce Stephens Abbott Santori van Dongen Neufeld Coleman Barisoff Nettleton Weisbeck Roddick Chong Wilson Penner Masi Jarvis Anderson

Orr Harris Nuraney Brenzinger Belsey Trumper Sanderson Visser Mayencourt Long Chutter Bell Johnston Bennett R. Stewart Haver Christensen Krueger McMahon Bray

Locke Nijjar Bhullar BloyWong Suffredine BriceCobbK. Stewart Lekstrom MacKay Sultan Hamilton Sahota Hawes Kerr Manhas Hunter

Les

Nays—2

MacPhail

Lee

Bill (No. 2) read a second time.

Kwan

On the motion of the Hon. G. Bruce, Bill (No. 2) was referred to a Committee of the Whole House to be considered forthwith.

Ms. Kwan moved an amendment to section 2 (1) (c) of Bill (No. 2) which was defeated on the following division:

YEAS—2

MacPhail Kwan

Nays—75

Falcon Thorpe CoellHagen Hogg Murray L. Reid Plant CampbellHalsey Brandt Hawkins Collins Whittred ClarkCheema Bond Hansen de Jong J. Reid Nebbeling Stephens Bruce Santori Abbott Neufeld van Dongen Barisoff Coleman Nettleton Chong Roddick Penner Wilson Jarvis Masi Anderson LeeOrr

Harris Nuraney Brenzinger Belsev Trumper Sanderson Visser Mayencourt Long Chutter Bell Johnston Bennett R. Stewart Hayer Christensen Krueger McMahon Bray Les

Locke Nijjar Bhullar BlovWong Suffredine Brice CobbK. Stewart Lekstrom MacKay Sultan Hamilton Sahota Hawes Kerr Manhas Hunter

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Ms. Kwan moved an amendment to section 2 (1) (d) of Bill (No. 2) which was defeated on the following division:

YEAS—2

MacPhail Kwan

Nays—74

Falcon Thorpe Coell Hagen Hogg Murray L. Reid Plant Halsey Brandt Campbell Hawkins Collins Whittred Bond Cheema de Jong Hansen Nebbeling J. Reid Stephens Bruce Abbott Neufeld Santori van Dongen Coleman Barisoff Chong Nettleton Penner Roddick Jarvis Wilson Anderson MasiOrr

Harris

Nuraney Brenzinger Belsev Trumper Sanderson Visser Mayencourt Long Chutter BellJohnston Bennett R. Stewart Hayer Christensen Krueger McMahon Bray Les

Nijjar Bhullar BloyWong Suffredine Brice CobbK. Stewart Lekstrom MacKay Sultan Hamilton Sahota Hawes Kerr Manhas Hunter

Locke

Ms. *MacPhail* moved an amendment to section 4 (2) of Bill (No. 2) which was defeated on the following division:

YEAS—2

MacPhail Kwan

Lee

Nays—73

Falcon **Thorpe** CoellHagen Hogg Murray L. Reid Plant Halsey Brandt Campbell Hawkins Collins Whittred Bond Cheema de Jong Hansen Nebbeling J. Reid Stephens Bruce Abbott Santori Neufeld van Dongen Coleman Barisoff Chong Nettleton Penner Roddick Jarvis Wilson Anderson Masi OrrLee

Harris Nuraney Brenzinger Belsey Trumper Sanderson Visser Mayencourt Long Chutter BellJohnston Bennett Hayer Christensen Krueger McMahon Bray Les

Bloy
Wong
Suffredine
Brice
Cobb
K. Stewart
Lekstrom
MacKay
Sultan
Hamilton
Sahota
Hawes
Kerr
Manhas
Hunter

Locke

Nijjar

Bhullar

Ms. *MacPhail* moved an amendment to section 5 of Bill (No. 2) which was defeated on the following division:

YEAS—2

MacPhail

Nays—74

Falcon Thorpe Nuraney Locke Coell Hagen Brenzinger Nijjar Hogg Murray Belsev Bhullar L. Reid Trumper Plant Blov Halsey Brandt Campbell Sanderson Visser Wong Suffredine Hawkins Collins Mayencourt Whittred BondBriceLong Cheema de Jong Chutter CobbHansen Nebbeling BellK. Stewart J. Reid Stephens Johnston Lekstrom AbbottBruce Bennett MacKay Santori Neufeld R. Stewart Sultan van Dongen Coleman Haver Hamilton Barisoff Chong Christensen Sahota Nettleton Penner Krueger Hawes Roddick Jarvis McMahon Kerr Wilson Anderson Manhas Bray Masi OrrLes Hunter Lee Harris

Bill (No. 2) was reported complete without amendment, read a third time and passed, on division.

The Speaker declared a short recess.

The House continued to sit past midnight.

His Honour the Lieutenant Governor having entered the House, and being seated in the Chair — *Robert Vaive*, Esq., Clerk Assistant, read the title to the following Act:

Bill (No. 2) Health Care Services Continuation Act.

His Honour was pleased in Her Majesty's name to give assent to the said Act.

The said assent was announced by *Robert Vaive*, Esq., Clerk Assistant of the House, in the following words:

"In Her Majesty's name, His Honour the Lieutenant Governor doth assent to this Act."

His Honour the Lieutenant Governor was then pleased to retire.

The Hon. G. Collins moved —

That the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the Government, that the public interest requires that the House shall meet, or until the Speaker may be advised by the Government that it is desired to prorogue the First Session of the Thirty-seventh Parliament of the Province of British Columbia. The Speaker may give notice that he is so satisfied or has been so advised and thereupon the House shall meet at the time stated in such notice, and, as the case may be, may transact its business as if it has been duly adjourned to that time and date; and

That in the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker shall act in his stead for the purpose of this order.

Motion agreed to.

And then the House adjourned at 1.33 a.m.

Tuesday, July 24, 2001

TEN O'CLOCK A.M.

Prayers by Mr. Anderson.

The Hon. C. Richmond (Speaker) tabled the following documents:

Report of the Chief Electoral Officer regarding an application to challenge the 1996 election of Sue Hammell, Graeme Bowbrick and Ed Conroy;

Auditor General 2001/02: Report 1: Managing Interface Fire Risks;

Police Complaint Commissioner Annual Report 2000.

The Speaker declared a short recess.

The Honourable GARDE B. GARDOM, Q.C., Lieutenant Governor of the Province, having entered the House, took his seat on the Throne, and was pleased to deliver the following gracious Speech:

Mr. Speaker and Members of the Legislative Assembly:

In closing the First Session of the Thirty-seventh Parliament of British Columbia, I wish to commend you on your accomplishments in this session and the passage of a measure of significant importance to the people of our Province.

Honourable Members, on behalf of all British Columbians, I wish to express my appreciation for the care and attention you have given to your deliberations.

I now relieve you of your legislative duties.

His Honour the Lieutenant Governor was then pleased to retire.

The Hon. G. Plant (Attorney General) then said:

Mr. Speaker and Members of the Legislative Assembly:

It is His Honour the Lieutenant Governor's will and pleasure that the Legislative Assembly be prorogued until 2 o'clock p.m. today, and this Provincial Legislative Assembly is hereby prorogued accordingly.

The following Reports were received by the Office of the Clerk during adjournment:

Advanced Education, Training and Technology Performance Report 2000-2001;

British Columbia Marketing Board Annual Performance Report 2000/01;

British Columbia Securities Commission Annual Report 2000-2001;

British Columbia Utilities Commission Annual Report 2000;

Forest Renewal BC Annual Performance Report 2000/01;

Oil and Gas Commission Annual Report 2000-2001;

Okanagan Valley Tree Fruit Authority Annual Performance Report 2000-2001;

Public Service Pension Plan Annual Report 2000;

Science Council of British Columbia;

Tourism British Columbia Annual Report 2000.

And then the House prorogued at 10.10 a.m.

PROCLAMATION

[L.S.]

GARDE B. GARDOM, Q.C.

Lieutenant Governor

CANADA: PROVINCE OF BRITISH COLUMBIA

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith

To all to whom these presents shall come—Greeting

To Our Faithful Members Elected to Serve in the Legislative Assembly of Our Province of British Columbia, at Our City of Victoria—Greeting

A PROCLAMATION

KNOW YE, that for divers causes and considerations and taking into consideration the ease and convenience of Our Loving subjects, We have thought fit to prorogue Our said Legislature or Parliament on the twenty-fourth day of July, two thousand one at 10:00 o'clock in the forenoon at Our City of Victoria.

In TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent and the Great Seal of Our Province to be hereunto affixed.

WITNESS, the Honourable Garde B. Gardom, Q.C., Lieutenant Governor of Our Province of British Columbia, in Our City of Victoria, in Our Province, this tenth day of July, two thousand one and in the fiftieth year of Our Reign.

By Command.