

JOURNALS
OF THE LEGISLATIVE ASSEMBLY
OF THE PROVINCE OF BRITISH COLUMBIA

SESSION 1991

Tuesday, May 7, 1991

TWO O'CLOCK P.M.

Prayers by Lieutenant-Colonel *Clyde Moore*.

This being the first day of the fifth meeting of the Thirty-fourth Parliament of the Province of British Columbia for the dispatch of business, pursuant to a Proclamation of the Honourable DAVID C. LAM, Lieutenant Governor of the Province, dated the 11th day of April 1991, the members took their seats.

The Honourable DAVID C. LAM, 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 opening this Fifth Session of the Thirty-Fourth Parliament of British Columbia, I extend greetings on behalf of our Sovereign, Her Majesty the Queen.

I join all British Columbians in wishing Her Majesty Queen Elizabeth the Second well as she begins the fortieth year of her reign.

I pray that all Members of this Assembly will strive to keep the needs and well-being of all citizens of this province at the forefront in their thoughts and deliberations.

We mark the passing of the Honourable Jack Davis, P.C., whose distinguished career included service in the House of Commons from 1962 to 1974, and in this Legislature as the Member for North Vancouver-Seymour from 1975 until this year. He has served the people of Canada and British Columbia in many capacities: Minister of Fisheries, and Minister of Environment for Canada; Minister of Energy, Transportation and Communications, and Minister of Energy, Mines and Petroleum Resources for British Columbia. His enduring commitment and dedication to public service will long be remembered by friends, colleagues and those he served.

My government is pleased to announce that the new Ministry of Energy, Mines and Petroleum Resources building, to be built in Victoria, will be named in his honour.

Over the past year, we have been saddened by the passing of two former Members of the Legislature; Mr. Hunter Vogel, who represented Delta and Langley from 1963 to 1972, and Mr. Donald Lewis, who represented Shuswap from 1972 to 1975.

My government has been visited by numerous distinguished guests over the past year.

We were pleased to receive the Queen's representative in Canada, Governor General Hnatyshyn, on his first official visit to British Columbia.

Other distinguished guests included: President von Weizsacker of the Federal Republic of Germany, President Koivisto of Finland, and Her Royal Highness Princess Margriet of the Netherlands. My government was also pleased to receive many diplomatic representatives accredited to Canada.

It was my great pleasure to participate in the inaugural investiture of the Order of British Columbia, which took place in this Chamber last June. Twenty-six outstanding British Columbians were recognized for their efforts and contributions toward the betterment of our province.

As we enter the last decade of this century, the greatest challenge we shall face will be to secure the future of Canada as a strong and unified nation.

The task is formidable and will require all the strength, tolerance and skill at our disposal if we are to remain a vibrant country worthy of our place among the international community of nations. But it is a task to be met positively, welcoming the opportunity for the renewal of the spirit which has sustained us for more than a century.

The focus of the unity debate has been primarily on Quebec and its role in the Canada of the future. However, Canadians in all parts of the country are seeking revision of relationships in the federal system. My government is committed to the principle that reform must accommodate the legitimate aspirations of Canadians in all provinces and territories. The Canada of the future must enjoy the support of every region and province, and be tuned to embrace the diversity which is part of our strength, not our weakness. My First Minister has already met with the Prime Minister to reinforce British Columbia's interest and concern for the future of Canada.

The Constitution of Canada does not belong to governments; it belongs to the Canadian people. To this end, the people of our province must have the opportunity to contribute to the development of constitutional change — not as British Columbians, but as Canadians who have the good fortune to live in British Columbia.

My government has initiated a series of papers and reports on Canadian federalism and governmental reform. British Columbians from a variety of walks of life: constitutional experts, business people, labour representatives and academics have been invited to offer their perspective on Canada's future. These papers are to be distributed widely, with the intention of fostering thoughtful discussion on the future of our country, and our Province's place in the Canada of the future.

Our Constitution of Canada represents the architecture of our system of government. As such, discussion leading to constitutional reform should transcend partisan political considerations.

My government's Cabinet Committee on Confederation will continue to review and consider all reports and recommendations and will develop a British Columbia approach to federal and constitutional reform that reflects, in a considered manner, input from many diverse sources. The report of the Committee of Cabinet will be released for general consideration and comment.

To encourage dialogue, my government will ask the Legislature to establish a Committee of Members to review these and other proposals, and provide an opportunity for the people of British Columbia to offer their advice and recommendations to the Legislature.

British Columbians and other Canadians have faced serious challenges before. However we have a tradition of developing workable solutions, fashioned from open, constructive dialogue by dedicated people.

The result has been a country whose accomplishments are respected throughout the world, and whose values are deeply cherished by Canadians from British Columbia to Newfoundland. My government will spare no effort to find solutions that build on our accomplishments and reflect these values.

My government also recognizes that Canada's federal system for the twenty-first century must enable and encourage fiscally responsible, accountable, and affordable government.

People in all parts of the country have come to the realization that the growth of government debt at all levels in Canada has reached crisis proportions. Uncorrected, the burden of this growing debt inhibits the ability of governments to deliver universal social programs to the national standards which have become a hallmark of our Canadian life. Changes to eliminate this problem are pressing and urgent, but solutions will require sacrifices.

The government of British Columbia has a long standing commitment to the responsible management of provincial affairs.

In this endeavour, my government will continue to manage provincial finances responsibly while protecting taxpayers, jobs and critical government services from the effects of recession and economic uncertainty.

British Columbia has achieved the best record of financial management of any government in Canada, federal or provincial. As at March 31, 1991, direct and indirect debt of the province is estimated at twenty-one percent of gross domestic product. This represents the lowest debt level in over twenty-five years. And, British Columbia expenditures to service the direct debt of the province are the lowest of any province in Canada.

Although there are worrisome exceptions, most governments in Canada have now recognized the need to reduce government debt to combat high interest rates, inflation and the consequent tax creep that has been hurting the economy of the entire country.

Improved economic performance will require a concerted commitment by all governments to prudent financial management. It will require efficient government operations, the making of difficult decisions when necessary, and it will mean holding firm to the critical program priorities that have made us unique in North America.

Governments across Canada are also recognizing the importance of achieving fair, but responsible, levels of public sector compensation. It is unfortunate that, here in British Columbia, public sector wage settlements have been consistently running ahead of private sector settlements for the past five years. This has created inequities with employees in the private sector, and it has strained government's limited revenue base.

My government has responded with the *Compensation Fairness Act*. This Act will ensure wage settlements in all areas of the provincial public sector reflect the taxpayer's ability to pay as well as achieving fairness in relation to private sector employees for whom compensation increases have been modest and job loss more prevalent. Under this Act, collective bargaining is preserved subject to limits which reflect prevailing economic conditions.

The *Job Protection Act* was passed to help ease the impact of the recession on British Columbians employed in businesses experiencing temporary difficulty and faced with shut-down and loss of jobs. The Act enables the Job Protection Commissioner to work with stakeholders in a company where a business is fundamentally viable and the parties involved are prepared to make concessions to revitalize the enterprise and preserve jobs. Based on the principle of shared sacrifice, my government is prepared to make financial concessions as part of the job protection partnership.

My Minister of Finance and Corporate Relations will present to you a budget appropriate to the difficult economic climate we now face. It will be a responsible budget, and those who can afford to do so may be asked to contribute a little more so that vital and essential programs can be maintained and improved.

The Minister of Development, Trade and Tourism is currently reviewing government grants and loan programs with the objective to reduce government's direct role in financing businesses. Experience suggests that the most effective and time-proven way to encourage business and expand the economy is to provide a stable, attractive climate for investment, and to ensure a vigorous, well-trained workforce.

My government will put forward proposals to other provinces and the federal government to restrict grants, loans and subsidies to industry. A critical element of renewed federalism should be a code of conduct among governments in Canada to create, protect and enhance a common free market for goods, services, people and investment within Canada. We must apply in Canada those same rules by which we seek to regulate international commerce.

Government is committed to managing the province's forest resources in the interests of a healthy economy and a healthy environment for present and future generations. The Forest Resources Commission was established to advise on my government's approach to sustaining and enriching our forest base as we enter the twenty-first century.

My Minister of Forests has now received and released the report of the Commissioner. The Minister will initiate a process for public review and comment to guide further action on the report's recommendations.

My government has announced, and is proceeding with, a \$1.4 billion program of forest renewal. This program includes a four year \$200 million Forest Resources Development Agreement with Ottawa. Families and communities throughout the province will benefit from over sixty-four thousand person years of employment related to forest renewal over the next five years.

Recognizing the difficult times facing the forest industry, my government will continue to pursue vigorously, with the Government of Canada, the elimination of the softwood trade agreement with the United States that is costing jobs here in British Columbia.

British Columbians treasure the majesty and pristine beauty that makes our province one of the most desirable areas of the world in which to live. Preserving this quality is essential.

My government is determined to ensure that environmental needs are balanced with the needs of the families and communities that depend on our forest. Through initiatives such as the Old Growth Strategy, the Recreation Program, the Wilderness System Plan, and the Parks '90 Plan, my government is securing employment and social values associated with our forest heritage. More than eleven thousand British Columbians attended public meetings and made known their views, concerns and priorities for parks and wilderness areas for the 1990s.

A public review of commercial backcountry recreation has also been initiated by the Ministry of Lands and Parks. This Ministry continues to provide leadership in the designation, exchange and acquisition of land for conservation purposes.

The recommendations flowing from the Forest Resources Commission, the Roundtable on Environment and Economy, and Parks Plan '90 will be brought together with input from other sources to create an overall strategy for British Columbia land use decisions.

My Ministry of Environment will be releasing, over the coming months, specific action plans in the areas of water management, fisheries, wildlife, pesticides, and environmental enforcement.

It is increasingly recognized that environmental problems do not respect national or international boundaries. The destruction inflicted recently in the Persian Gulf is dramatic testimony to this fact, as is the cross-border problem of acid rain in central Canada.

British Columbians, having experienced the consequences of an oil spill outside British Columbia waters, live in constant fear that a disaster on the scale of the Exxon Valdez spill in Alaska could occur in waters adjacent to our province.

My government recognizes that sound environmental management and protection must encompass more than one community, and often more than a particular river system. The waters of the southwestern corner of British Columbia and northwestern corner of Washington are an important case in point. These waters are fed by major river systems, and they are affected by effluents from literally dozens of communities in both Canada and the United States. They are also subject to catastrophic marine risks by maritime traffic which is international in origin.

To address these critical environmental issues, my government will take a leadership role in proposing and promoting an international initiative to attack water and air pollution problems in the entire coastal waterway embracing Puget Sound, Strait of Juan de Fuca, Georgia Strait and waters tributary thereto, including the Fraser River.

Discussions will be initiated with the federal government for the establishment of an international commission to include representation of both national governments, the Province of British Columbia and the State of Washington.

The requested mandate of the commission will include a thorough analysis of existing and potential pollution threats to air and water, leading to recommendations for a pro-active environmental protection strategy for implementation by all four jurisdictions.

My government, through the Ministry of Municipal Affairs, Recreation and Culture, remains committed to working with local governments to address the urgent need to undertake major water and sewer projects to protect the environment and quality of community water supplies.

British Columbia is a huge and diverse region, larger than California, Washington and Oregon combined, yet our population is only one-tenth of California alone. Transportation is, therefore, essential to bind us together as a province and allow us to realize our social and economic potential.

The transportation planning process begun in 1988 will continue. A special two-year joint planning process is now underway with the Greater Vancouver Regional District. A comprehensive plan for the lower mainland area is critical to cope with growth and establish strategic priorities for that region.

My Minister of Transportation and Highways is also proceeding to draft legislation to provide a consistent framework, rules and processes to govern the construction and maintenance of resource roads in the province.

In cooperation with private industry, my government will commence early construction of the Iskut Road to access potentially valuable gold and mineral deposits in northwestern British Columbia. This road will meet acceptable environmental standards and be constructed with the assistance of the Native people in the area.

The British Columbia Ferry Corporation continues to aggressively implement its capital expansion program. These projects are consistent with my government's desire to respond to the Ship Building Task Force initiative which was set up after the federal government announced the cancellation of the Polar 8 contract. In addition, the corporation has undertaken the redevelopment of three terminals.

Over the next three years, 3,330 person-years of employment will be created as a result of the Ferry Corporation's capital construction program.

As the 1990s progress, and the 21st century dawns on the Province of British Columbia, societal values, needs and structures will change. The role and needs of women have changed, and will continue to change, whether they are in the home or employed.

My government will dedicate itself to help women achieve equality in the workplace, economic security, and safety both in the home and in the community.

A comprehensive child care strategy to meet the needs of British Columbians will be developed and implemented as a priority.

The government will work with business and community leaders to become partners in the provision of quality child care services for working parents throughout the province.

A major three year expenditure commitment will also be targetted to improving subsidies to families, providing additional support to family day-care providers in the community and for expansion of facilities in critical shortage areas.

The complexity of the licensing and regulatory process has been a barrier to providing an adequate supply of accessible high quality day-care. Specific changes to streamline the process, while ensuring the necessary protection for children in day-care, will be introduced.

In support of fairness in the workplace the implementation of employment equity in the public service will remove barriers to employment opportunities for women, visible minorities, aboriginal peoples, and persons with disabilities.

My government has begun implementation of a four-year, \$40 million pay equity program to reduce pay inequities associated with female dominated job classes in government Ministries.

Fostering the growth of entrepreneurship among women, and removing barriers that inhibit business development among women, will be a key priority for my government. The appointment of a Businesswomen's Advocate to further improve women's access to private sector financing opportunities was recently announced.

My Minister of Women's Programs and Government Services and Minister Responsible for Families, will develop and participate in a process for broad public consultation on the *British Columbia Retirement Savings Plan Act*. The proposed B.C. Retirement Savings Plan will ensure viable retirement income options for all British Columbians. The Plan will be of particular benefit to parents caring for children at home, and others not now part of a contributory pension plan.

The *Pension Benefit Standards Act*, designed to provide a framework for standardization of pension benefit plans in British Columbia, will be re-introduced.

My government will soon issue a proclamation outlining the responsibilities of government, communities and individuals to protect and support children. It will affirm the central role of the family and underscore the importance of the care of our children to the future well-being of the Province.

In support of the proclamation, the Ministry of Social Services and Housing will undertake a comprehensive review of the *Family and Child Service Act*. My government will ensure that child protection legislation reflects community values and meets the changing needs of families and children as the cornerstone of society. There will be thorough consultation with the public and appropriate professionals in developing new legislation.

My government will also expand direct services for victims of family violence and sexual assault, giving priority to initiatives aimed at breaking the cycle of abuse. The devastating effect of such anti-social conduct must be aggressively addressed at all levels of law enforcement and throughout the justice system.

Through grants to community agencies and additional funding within Ministries, counselling will be provided for victims, including children who have witnessed violence. Treatment for abusers, who are themselves often victims of abuse earlier in life, will also be enhanced.

The Royal Commission on Health Care and Costs, established by my government last year, is examining the cost, quality and accessibility of health care and the health care system. The Commission has completed the public consultation process, having met in 38 communities, received 1,800 written submissions and heard 900 oral presentations. It is expected to report later this year.

The recommendations of the Royal Commission will provide an important blueprint for ensuring that service quality is maintained and enhanced, and that universal medical care is both affordable and properly funded. As a nation, and particularly here in British Columbia, demographic changes and an aging population will severely test the durability of the health care system. We shall be ready to meet that test.

In the meantime, my government will continue to improve on the health care system through the building of partnerships with hospitals, community groups and health care providers.

An initiative such as the establishment of a surgical registry is an example of how my government is reaching out to help both physicians and patients make well-informed decisions and receive proper treatment in a timely manner.

Improved access to services is also being realized through facilities such as the mobile screening mammography unit. This unit will continue to bring important breast cancer diagnostic services to women in rural and remote areas of the province.

My Minister of Health will also be implementing a travel allowance system for those in remote areas who must travel to Vancouver for complex treatment. Universal access and affordability of health care must be protected.

As well, my government is reviewing the *Mental Health Act* with the goal of improving procedures and the protection of rights for people who need voluntary admission and treatment in hospital due to severe mental illness.

The law affecting the rights of dependent adults will also undergo a modernization. Laws found in the *Patient's Property Act*, the *Power of Attorney Act*, and the *Public Trustee Act* will be reviewed.

My government is combating catastrophic illness from infectious diseases through such measures as the new centre of excellence for HIV and other viral diseases. This program includes access to drugs such as AZT at no cost to the patient.

Expansion of social housing and increases to the supply of rental accommodation will continue. During the mandate of my government, 10,000 new units of social housing have been produced. Many new projects are being brought forward in response to the 1991 proposal call by the British Columbia Housing Management Commission.

The programs and services of the Ministry of Social Services and Housing are fundamental elements of British Columbia's social safety net. Provision for income assistance funds, to ensure those in need receive financial support and re-employment services in a sensitive and responsive manner, will be particularly important during this difficult economic period.

Education represents a basic element of my government's vision for British Columbia's future. It is the most important and essential investment in our province's future that government can make.

The Access for All initiative will see the first university degrees granted at Malaspina, Okanagan and Cariboo Colleges. The process for development of the University of Northern British Columbia has commenced, a site has been obtained and a president hired.

The Fraser Valley is the fastest growing region in our province. My Minister of Advanced Education, Training and Technology will be considering the establishment of a full university degree-granting institution in the Valley.

While education reforms currently underway will be reviewed in cooperation with the province's school trustees and educators, it is my government's intention to proceed, as scheduled, with the implementation of the Primary Program, covering the first four years.

An enhanced school facilities upgrading and construction program will proceed. Increasing enrolments, the aging of school facilities, and earthquake preparedness continue to be priorities in setting and allocating the funds available for school construction and upgrading. In 1989, the government committed to a \$1.5 billion, six-year capital program. \$600 million of this commitment has been expended in the past two years. My government will soon announce a further major component of the schools' capital program.

The Minister of Education has recently announced a revised framework for the setting of residential school taxes. The new system is simpler, more predictable, and more fair than the previous system. This new approach, coupled with the substantially increased home owner grant, will mean that many homeowners will either see no increase or will see a decrease in school property taxes on their residence this year.

My government will participate with local parent groups and school boards in the development of an affordable school lunch program to ensure that students are not disadvantaged in school as a result of improper lunchtime nutrition.

A new social era for Canada must include accommodation of Native Canadians as an essential part of a strong Canadian community. The Government of British Columbia will continue to build on its successes in negotiating a new relationship with British Columbia's aboriginal citizens.

My government has begun the honourable, but difficult, journey to rectify the long-standing and profound sense of grievance which Native people in this province feel.

We have signed the first Land Claims Framework Agreement in the province's history, with the Nisga'a Tribal Council, and have begun substantive negotiations under it. We are participating with the First Nations Summit and the Government of Canada on a Tripartite Task Force on Native Claims, to determine how best to proceed with other pending aboriginal claims. We have undertaken and will continue significant expenditures and initiatives in culture, heritage, language, education, and Native social services.

My government is committed to finding a just, fair and workable way of resolving these issues.

We are prepared to contribute our fair and proper share to the resolution of these historic grievances and will press Canada to do the same.

My government believes the building of a new and better relationship between Native and non-Native British Columbians to be a noble and worthy goal. We will make this a priority for all agencies of government.

My government is gravely concerned about an apparent increase in crime and violence in the community. Containment and reversal of this trend will be a major priority in the months and years ahead.

The major urban communities of our province have been victimized by the activity of criminal gangs. Last year, my Attorney General and Solicitor General announced the formation of an interministerial task force. My government will escalate its efforts to investigate and vigorously prosecute individuals involved in criminal gangs and violent activity generally.

In addition, the Ministries of Education, Provincial Secretary and Minister Responsible for Multiculturalism and Immigration, and Social Services and Housing, as well as several federal and municipal departments, are developing strategies for dealing with this problem.

My government will assume an active and leading role to ensure a concerted and effective battle against crime.

It is of vital importance that all public office holders exercise their official duties and responsibilities in a manner that will bear the closest scrutiny. Public confidence and trust in the integrity, objectivity and impartiality of government is essential.

My government will introduce a motion to confirm the appointment of Mr. E. N. Hughes, Q.C., as Commissioner, Conflict of Interest. In addition, the *Members' Conflict of Interest Act* will be referred to a Committee of the Legislature for a full review of its adequacy and effectiveness.

Openness and accountability in the public sector is a commitment of my government. Access to government information and the legitimate protection of privacy have been under active review during this Parliament. My government will introduce legislation on Access to Information and Protection of Privacy.

Fundamental to ensuring public confidence in the administration of justice is a process that is fair and impartial, and is seen to be fair and impartial, for making decisions relating to charges against persons of high public profile.

Following the report and recommendations of Commissioner Stephen Owen in his *Discretion to Prosecute Inquiry*, my Attorney General implemented policy changes concerning such charges. Directives from the Attorney General to the Deputy Attorney General regarding policy on prosecutions must be in writing and published. Provision for the appointment of special prosecutors and notification of the public thereof was made. Responsibility for explaining and disclosing charging decisions has been built into the process.

My government proposes to reflect these policy and procedural changes in legislation. At the same time, it will be important to ensure that Attorneys General continue to be accountable to the Legislature, and are able to make public statements and respond to public inquiries about prosecution policies, criminal law developments, specific cases and the criminal justice system.

My government continues to believe that the people of British Columbia should, through referendums, have the opportunity directly to help our elected representatives establish government priorities.

The concept of referendum introduces fundamental changes to the traditional political process in this province. Such changes should be introduced carefully and prudently after much public debate and discussion.

My government will be introducing this Session the questions to be referred to the people during the next election. These questions will deal with the issue of the referendum process itself, and engage the people of British Columbia directly in a discussion on these most important matters.

Relations among Canada's provinces have never been more critical for the country. British Columbia will have the honour of hosting the 32nd Annual Premiers' Conference, to be held this summer in Whistler. The conference will provide an important opportunity for Premiers from across Canada to reinvigorate the search for solutions to the problems we face as a nation.

The people of the Cowichan and Comox Valleys are to be congratulated for the successful staging of the Duncan/North Cowichan 1991 British Columbia Winter Games. The dedication of the athletes was matched by the commitment of the many volunteers.

We look forward to the hosting of the British Columbia Summer Games in Coquitlam.

The awarding of the 1995 Western Canada Games to Abbotsford is noted with pride.

My government is also proud to be involved in the hosting of the XV Commonwealth Games, to be held in Greater Victoria in 1994.

Known as the Friendly Games, they will provide an opportunity and environment for athletes from throughout the Commonwealth to pursue and achieve national and international excellence, while reflecting the scope, cultural richness and diversity of the Commonwealth.

The Games will showcase Greater Victoria, the province and the hospitality of our people to a world-wide audience.

Mr. Speaker, and Members of the Legislative Assembly, I now leave you to discharge your duties, knowing that you will strive to build a strong British Columbia. In our Sovereign's name, I thank you.

His Honour the Lieutenant Governor was then pleased to retire.

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

By leave, on the motion of the Hon. *R. G. Fraser* (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. *E. N. Veitch* (Provincial Secretary), it was *Ordered* —

That the Votes and Proceedings of this House be printed, being first perused by Mr. 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.

The Hon. *R. M. Johnston* (Premier) moved —

That the Select Standing Committees of this House, for the present Session, be appointed for the following purposes:

1. Economic Development, Transportation and Municipal Affairs;
2. Labour and Justice;
3. Tourism and Environment;
4. Forests and Lands;
5. Energy, Mines and Petroleum Resources;

6. Agriculture and Fisheries;
7. Health, Education, Social Services, Housing and Women's Issues;
8. Finance, Crown Corporations and Government Services;
9. Public Accounts;
10. Standing Orders and Private Bills;
11. Constitutional Matters and Intergovernmental Relations;
12. Conflict of Interest;

and that Standing Order 68 (1) is hereby amended to so reflect, which said Committees shall severally be empowered to examine and inquire into all such matters and things as shall be referred to them by this House, and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records, and that a Special Committee be appointed to prepare and report, with all convenient speed, lists of members to compose the above Select Standing Committees of this House under Standing Order 68 (1), the Committee to be composed of the Hon. *C. H. Richmond* (Convener), the Hon. *W. B. Strachan*, the Hon. *H. Dirks*, the Hon. *J. Weisgerber*, Messrs. *Loenen*, *Long* and *Peterson* and Messrs. *Gabelmann*, *Rose* and *Williams*.

A debate arose.

Mr. *Harcourt* moved the following amendment:

That the motion be amended to insert the words "Ethical Conduct and" before "Conflict of Interest."

The House divided.

The amendment was passed *nemine contradicente*.

Motion as amended agreed to.

The Hon. *C. H. Richmond* made a statement relating to the death of John Davis, P.C., a former member of the Legislative Assembly.

Mr. *Rose* made a statement.

On the motion of the Hon. *C. H. Richmond*, seconded by Mr. *Rose*, it was *Ordered* —

That *F. C. A. Pelton*, Esquire, First Member for Dewdney Electoral District, be appointed Deputy Speaker for this Session of the Legislative Assembly.

On the motion of the Hon. *C. H. Richmond*, seconded by Mr. *Rose*, it was *Ordered* —

That *A. C. Ree*, Esquire, Member for North Vancouver-Capilano Electoral District, be appointed Deputy Chairman of the Committee of the Whole for this Session of the Legislative Assembly.

Ms. *Hagen* gave notice of her intention to raise a matter of privilege relating to the First Member for Richmond.

Ms. *Smallwood* gave notice of her intention to raise a matter of privilege relating to the Minister of Environment.

Mr. Speaker stated that matters of privilege with respect of which notice had been given could be raised tomorrow.

The Hon. *C. H. Richmond* advised that the House will sit Wednesday, pursuant to Standing Order 2 (2).

And then the House adjourned at 3.48 p.m.

Pursuant to section 55 (3) of the *Constitution Act*:

A declaration by the First Member for Vancouver East (Mr. *Williams*) of his intention to resign his seat as a Member of the Legislative Assembly, effective forthwith, was delivered to Mr. Speaker.

Wednesday, May 8, 1991

TWO O'CLOCK P.M.

Prayers by Mrs. *McCarthy*.

The Hon. *C. Gran* (Minister of Women's Programs and Government Services and Minister Responsible for Families) tabled the Fifty-First Annual Report of the Business Done in Pursuance of the Pension (Municipal) Act, year ended December 31, 1989.

Order called for "Oral Questions by Members."

By leave, Mr. *Sihota* tabled a copy of a letter referred to during Oral Question Period.

Ms. *Smallwood* rose on an alleged matter of privilege, notice of which had been given to the Chair yesterday.

Mr. Speaker reserved his ruling.

The Hon. *D. Mercier* (Minister of Environment) made a statement relating to the alleged matter of privilege.

Ms. *Hagen* rose on an alleged matter of privilege, notice of which had been given to the Chair yesterday.

Mr. *Vander Zalm* reserved the right to reply to the matter.

The House proceeded to "Orders of the Day."

Mr. *Huberts* moved, seconded by Mr. *Kempf* —

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of British Columbia, in Session assembled, beg leave to thank Your Honour for the gracious Speech which Your Honour has addressed to us at the opening of the present Session.

A debate arose.

On the motion of Mr. *Harcourt*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 3.38 p.m.

Thursday, May 9, 1991

TEN O'CLOCK A.M.

Prayers by Mr. *Miller*.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

On the motion of the Hon. *R. G. Fraser*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 11.58 a.m.

Thursday, May 9, 1991

TWO O'CLOCK P.M.

The Hon. *L. Hanson* (Minister of Transportation and Highways) tabled the British Columbia Railway Group Annual Report for 1990.

On the motion of Mr. *Harcourt*, Bill (No. M 201) intituled *Ministerial Post-employment Conflict Act* 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.

The Hon. *J. T. Rabbitt* (Minister of Labour and Consumer Services) tabled the Workers' Compensation Board of British Columbia Annual Report 1990, and a document entitled Statistics '90.

Order called for "Oral Questions by Members."

Mr. *Loenen*, on behalf of the Minister of Health, made a ministerial statement relating to Mental Health Week.

Dr. *Perry* made a statement.

Mr. *Sihota* gave notice of his intention to raise a matter of privilege relating to the content of Hansard "Blues" of yesterday.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

On the motion of Dr. *Perry*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.54 p.m.

Friday, May 10, 1991

TEN O'CLOCK A.M.

Prayers by Mr. *Vant*.

The Hon. *R. G. Fraser* (Attorney General) tabled the following:
Annual Report of the Ministry of Attorney General, 1989-1990.
Annual Report of Legal Services Society, 1988-1989.
Annual Report of Legal Services Society, 1989-90.

Mr. Speaker delivered his reserved decision as follows:

Honourable Members:

On Wednesday last the Honourable Member for Surrey-Guildford-Whalley rose on an alleged matter of privilege namely, the failure of the Honourable Member for Burnaby-Edmonds (now Minister of Environment) to complete and return a form required to be filed by February 19, 1991, pursuant to the *Members' Conflict of Interest Act*. On April 15, 1991, the Acting Commissioner of Conflict of Interest advised the Clerk of the House that he had met with the Member for Burnaby-Edmonds on April 12, 1991, and that he, as Commissioner, was now filing the required public disclosure statement of the Member for Burnaby-Edmonds, prior to the Member being sworn in as a Member of the Executive Council.

The Honourable Member for Surrey-Guildford-Whalley tabled a letter dated February 15, 1991, written by the Honourable Member for Burnaby-Edmonds addressed to the Acting Commissioner and copied to all Honourable Members, indicating, among other things, that he believed there were, "... deficiencies in the reporting documents which make it difficult for me to sign same because of the additional responsibility I have as a Chartered Accountant for making such declarations." In any event, the required documents were completed and filed as required by the Statute but beyond the date prescribed by the Acting Commissioner.

The Chair notes that as section 15 (3) of the *Members' Conflict of Interest Act* has not been proclaimed the Honourable Member for Surrey-Guildford-Whalley does have the right to raise this matter in the House. Section 15 (1) provides that:

A member who has reasonable and probable grounds to believe that another member is in contravention of this Act or of section 25 of the *Constitution Act* may, by application in writing setting out the grounds for the belief and the nature of the contravention alleged, request that the commissioner give an opinion respecting the compliance of the other member with the provisions of this Act.

The Honourable Member for Surrey-Guildford-Whalley has not indicated whether or not she has availed herself of this section.

The Chair also notes that the Acting Commissioner may, by virtue of section 17, report to this House any refusal to file a disclosure statement should he deem it appropriate to do so. It must be noted that the Acting Commissioner himself, as an officer of the House, has not asserted that, as an officer, he has been improperly impeded or obstructed. Indeed, the Acting Commissioner has extensive powers under the Act and the power to recommend very severe penalties, including, under section 17, for failure to file requisite information to ensure compliance with the statute.

Joseph Maingot, in his authoritative text *Parliamentary Privilege in Canada*, at page 12, gives a general definition of Parliamentary Privilege as follows:

Parliamentary privilege is the necessary immunity that the law provides for members of Parliament, and for members of the legislatures of each of the ten provinces and two territories, in order for these legislators to do their legislative work.

The Honourable Member for Surrey-Guildford-Whalley has not, in her submission, indicated to the Chair any possible way in which she has been impeded in doing her parliamentary work by reason of the late filing in question. Other consequences may or may not flow from any late filing under the Statute. I cannot, however, find that there has been established any *prima facie* case of either a breach of privilege or an offence described by the Honourable Member for Surrey-Guildford-Whalley as, "... a contempt for the rights and privileges of the Members of this Assembly."

C. STEPHEN ROGERS, *Speaker*

The House proceeded to "Orders of the Day."

Order called for "Private Members' Statements."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

On the motion of Ms. Cull, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 12.50 p.m.

Monday, May 13, 1991

TWO O'CLOCK P.M.

Prayers by Mr. *Barnes*.

The Hon. *R. G. Fraser* (Attorney General) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 2) intituled *Land Title Amendment Act, 1991* and recommends the same to the Legislative Assembly.

Government House,
May 13, 1991.

Bill introduced and read a first time.
Second reading at the next sitting after today.

The Hon. *I. Messmer* (Solicitor General) tabled the following:

The Annual Report of the Ministry of Solicitor General, 89/90.

The 19th Annual Report of the *Criminal Injury Compensation Act* of British Columbia, January 1–December 31, 1990.

Order called for "Oral Questions by Members."

The Hon. *R. G. Fraser* (Attorney General) tabled the Report and Recommendations of the 1990 Compensation Advisory Committee Regarding Remuneration for Provincial Court Judges.

By leave, the Hon. *R. G. Fraser* (Attorney General) moved—

That the Report and Recommendations of the Compensation Advisory Committee 1990, be referred to the Select Standing Committee on Labour and Justice for the purpose of recommending a Resolution to the Legislative Assembly for fixing of salaries, pursuant to section 7 (1) and (2) of the *Provincial Court Act*.

Motion agreed to.

By leave, Mr. *Couvelier* made a personal statement.

Mr. *Vander Zalm* made a statement in response to an alleged matter of privilege raised in the House on Wednesday last.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

13 Ms. *Cull*, seconded by Mr. *Zirnhelt*, moved—

That the motion "We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly of British Columbia, in Session assembled, beg leave to thank Your Honour for the gracious Speech which Your Honour has addressed to us at the opening of the present Session," be amended by adding the following:

"and this House regrets the Speech fails to address the urgent issues confronting our Province, and fails to arrest the political chaos and crisis of confidence engulfing the present administration, which can only now be remedied by means of a provincial general election."

The debate on the amendment continued.

The House divided.

The amendment was negatived on the following division:

YEAS—20

<i>G. Janssen</i>	<i>Miller</i>	<i>Cashore</i>	<i>Boone</i>
<i>Zirnhelt</i>	<i>Sihota</i>	<i>Edwards</i>	<i>Gabelmann</i>
<i>Jones</i>	<i>Lovick</i>	<i>Blencoe</i>	<i>Harcourt</i>
<i>Perry</i>	<i>Smallwood</i>	<i>Clark</i>	<i>Rose</i>
<i>Cull</i>	<i>Pullinger</i>	<i>D'Arcy</i>	<i>Barnes</i>

NAYS—31

<i>Long</i>	<i>Loenen</i>	<i>Kempf</i>	<i>Jacobsen</i>
<i>Brummet</i>	<i>Dueck</i>	<i>Vant</i>	<i>Gran</i>
<i>Michael</i>	<i>Couvelier</i>	<i>Crandall</i>	<i>L. Hanson</i>
<i>Davidson</i>	<i>Weisgerber</i>	<i>Serwa</i>	<i>Rabbitt</i>
<i>Peterson</i>	<i>Messmer</i>	<i>Ree</i>	<i>Strachan</i>
<i>Reid</i>	<i>J. Jansen</i>	<i>Huberts</i>	<i>Savage</i>
<i>Vander Zalm</i>	<i>Richmond</i>	<i>Parker</i>	<i>Bruce</i>
<i>Reynolds</i>	<i>Veitch</i>	<i>Chalmers</i>	

The debate was resumed on the main motion.

On the motion of Mr. *Barnes*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.37 p.m.

Tuesday, May 14, 1991

TEN O'CLOCK A.M.

Prayers by the Hon. *J. Savage*.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

On the motion of Mr. *Brummet*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 11.53 a.m.

Tuesday, May 14, 1991

TWO O'CLOCK P.M.

The Hon. *E. N. Veitch* (Provincial Secretary and Minister Responsible for Multiculturalism and Immigration) tabled the Ministry of Provincial Secretary Annual Report, 1989/90.

The Hon. *R. G. Fraser* (Attorney General) tabled the Annual Report, 1990/91, of the Law Reform Commission of British Columbia.

The Hon. *S. Hagen* (Minister of Education and Minister of Advanced Education, Training and Technology) tabled the Annual Report of the Ministry of Education, July 1, 1989 to June 30, 1990 and the Statistical Supplement to the Annual Report.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) tabled the Auditor General Annual Report, March 1991.

On the motion of Ms. *Cull*, Bill (No. M 202) intituled *An Act to Expand the Powers of the Ombudsman* 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.

Order called for "Oral Questions by Members."

Dr. *Perry* presented a petition relating to funding in respect of the Royal Inland Hospital.

By leave, Mr. *Rose* moved that Ms. *Smallwood* be substituted for Mr. *Williams* on the Special Committee of Selection.

Motion agreed to.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

On the motion of Mr. *Miller*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.59 p.m.

Wednesday, May 15, 1991

TEN O'CLOCK A.M.

Prayers by Mr. *Blencoe*.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the Address in Reply to the Speech of His Honour the Lieutenant Governor at the opening of the Session.

The debate continued.

Motion agreed to on the following division:

YEAS—33

<i>Michael</i>	<i>Messmer</i>	<i>De Jong</i>	<i>Jacobsen</i>
<i>Peterson</i>	<i>J. Jansen</i>	<i>Vant</i>	<i>Gran</i>
<i>Smith</i>	<i>Fraser</i>	<i>Crandall</i>	<i>L. Hanson</i>
<i>Reid</i>	<i>Johnston</i>	<i>Serwa</i>	<i>Mercier</i>
<i>Vander Zalm</i>	<i>Richmond</i>	<i>Ree</i>	<i>Rabbitt</i>
<i>Loenen</i>	<i>Dirks</i>	<i>Huberts</i>	<i>Strachan</i>
<i>Dueck</i>	<i>Veitch</i>	<i>Parker</i>	<i>Savage</i>
<i>Couvelier</i>	<i>Kempf</i>	<i>Chalmers</i>	<i>Bruce</i>
<i>Weisgerber</i>			

NAYS—21

<i>G. Janssen</i>	<i>Smallwood</i>	<i>Cashore</i>	<i>Gabelmann</i>
<i>Zirnhelt</i>	<i>Lovick</i>	<i>Edwards</i>	<i>Harcourt</i>
<i>Perry</i>	<i>A. Hagen</i>	<i>Blencoe</i>	<i>Rose</i>
<i>Miller</i>	<i>Guno</i>	<i>Clark</i>	<i>Marzari</i>
<i>Pullinger</i>	<i>Barlee</i>	<i>D'Arcy</i>	<i>Barnes</i>
<i>Sihota</i>			

Mr. Speaker tabled the Ombudsman 1990 Annual Report.

And then the House adjourned at 12.01 p.m.

Tuesday, May 21, 1991

TWO O'CLOCK P.M.

Prayers by Mr. *Harvey W. Schroeder*.

The Hon. *R. M. Johnston* (Premier) made a statement relating to the assassination of former Prime Minister Shri Rajiv Gandhi of India.

Mr. *Harcourt* made a statement.

The Hon. *W. B. Strachan* (Minister of Health) made a ministerial statement relating to the presentation of the Canadian Advanced Technology Association award to the Hon. *S. B. Hagen* (Minister of Education and Minister of Advanced Education, Training and Technology).

Order called for "Oral Questions by Members."

The House proceeded to "Orders of the Day."

On the motion of the Hon. *J. Jansen* (Minister of Finance and Corporate Relations) it was *Ordered* —

That this House, at its next sitting, resolve itself for this Session into a Committee to consider the Supply to be granted to Her Majesty.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) presented:

The Report of the Comptroller General (Interim Financial Statements of Revenue and Expenditure) for the fiscal year ended March 31, 1991, in accordance with section 8 (4) of the *Financial Administration Act*.

The Balanced Budget Plan in accordance with section 8 of the *Taxpayer Protection Act*.

The Debt Reduction Plan in accordance with section 12 of the *Taxpayer Protection Act*.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith:

Estimates for the Fiscal Year Ending March 31, 1992; and

Supplement to the Estimates for the Fiscal Year Ending March 31, 1992;

and recommends the same to the Legislative Assembly.

Government House,
May 17, 1991.

Ordered, that the said Message, and the Estimates accompanying same be referred to the Committee of Supply.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) moved, seconded by the Hon. *C. H. Richmond* (Minister of Forests), "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

A debate arose, which was, on the motion of Mr. *Clark*, adjourned to the next sitting of the House.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bills (Nos. 3 and 4) intituled:
Budget Measures Implementation Act, 1991; and
Property Purchase Tax Amendment Act, 1991;
 and recommends the same to the Legislative Assembly.
Government House,
May 17, 1991.

Bills introduced and read a first time.
 Bills *Ordered* for second reading at the next sitting after today.

The Hon. *C. H. Richmond* advised that the House will sit on Wednesday, pursuant to Standing Order 2 (2).

And then the House adjourned at 3.47 p.m.

Wednesday, May 22, 1991

TWO O'CLOCK P.M.

Prayers by the Hon. *H. Dirks*.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) tabled the following:

Statements of 1990/91 Borrowings and Loans, pursuant to section 41 (5) of the *Financial Administration Act*.

Statement of 1990/91 Borrowings, pursuant to section 43 (2) of the *Financial Administration Act*.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 8) intituled *Supply Act (No. 1), 1991* and recommends the same to the Legislative Assembly.

Government House,
May 22, 1991.

Bill introduced and read a first time.
 Second reading at the next sitting after today.

The Hon. *R. G. Fraser* (Attorney General) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 7) intituled *Miscellaneous Statutes Amendment Act, 1991* and recommends the same to the Legislative Assembly.

Government House,
May 16, 1991.

Bill introduced and read a first time.
Second reading at the next sitting after today.

The Hon. *C. H. Richmond* (Minister of Forests) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 5) intituled *Range Amendment Act, 1991* and recommends the same to the Legislative Assembly.

Government House,
May 17, 1991.

Bill introduced and read a first time.
Second reading at the next sitting after today.

Order called for "Oral Questions by Members."

By leave, Mr. *Vander Zalm* made a personal statement.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

By leave, Mr. *Vander Zalm* tabled documents referred to in the course of a personal statement made earlier today.

The debate continued.

The Hon. *R. M. Johnston* (Premier) made a statement relating to the First Member for Central Fraser Valley.

Mr. *Clark* made a statement.

By leave, Mr. *Dueck* made a statement.

By leave, Mr. *Clark* made a statement relating to matters raised by the First Member for Richmond earlier today.

On the motion of Mr. *Blencoe*, on behalf of Ms. *Marzari*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.52 p.m.

Thursday, May 23, 1991

TEN O'CLOCK A.M.

Prayers by Ms. *Marzari*.

Mr. *Reynolds* gave notice of his intention to raise a matter of privilege relating to statements made by the Member for Vancouver East.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

On the motion of Mr. *Barlee*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 11.59 a.m.

Thursday, May 23, 1991

TWO O'CLOCK P.M.

Mr. *Reynolds* rose on an alleged matter of privilege relating to remarks made by the Member for Vancouver East on May 14, 1991, with respect of which notice was given to the Chair earlier today.

Mr. *Clark* made a statement.

Mr. Speaker stated he would take the matter under advisement.

Order called for "Oral Questions by Members."

The House proceeded to "Public Bills and Orders and Government Motions on Notice."

The House proceeded to consideration of Motion 19 on the Order Paper.

19 The Hon. R. M. Johnston moved—

Be it resolved that this House recommends to the Lieutenant Governor in Council that the Honourable E. N. (Ted) Hughes, Q.C., be appointed Commissioner, pursuant to section 10 (2) of the *Members' Conflict of Interest Act*.

A debate arose.

The House divided.

Motion agreed to *nemine contradicente*, on the following division:

YEAS—51

<i>Brummet</i>	<i>Reid</i>	<i>Dueck</i>	<i>Vant</i>
<i>Michael</i>	<i>Cashore</i>	<i>Couvelier</i>	<i>Crandall</i>
<i>Davidson</i>	<i>Edwards</i>	<i>Pelton</i>	<i>Serwa</i>
<i>Zirnhelt</i>	<i>Clark</i>	<i>Weisgerber</i>	<i>Ree</i>
<i>Jones</i>	<i>D'Arcy</i>	<i>Messmer</i>	<i>Huberts</i>
<i>Cull</i>	<i>Boone</i>	<i>J. Jansen</i>	<i>Chalmers</i>
<i>Miller</i>	<i>Gabelmann</i>	<i>Johnston</i>	<i>Jacobsen</i>
<i>Sihota</i>	<i>Harcourt</i>	<i>Richmond</i>	<i>Gran</i>
<i>Smallwood</i>	<i>Marzari</i>	<i>S. Hagen</i>	<i>Rabbitt</i>
<i>Lovick</i>	<i>Barnes</i>	<i>Dirks</i>	<i>Strachan</i>
<i>Guno</i>	<i>McCarthy</i>	<i>Veitch</i>	<i>Savage</i>
<i>Peterson</i>	<i>Reynolds</i>	<i>Kempf</i>	<i>Bruce</i>
<i>Smith</i>	<i>Loenen</i>	<i>De Jong</i>	

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

On the motion of Mr. *Cashore*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.41 p.m.

Friday, May 24, 1991

TEN O'CLOCK A.M.

Prayers by Mr. *Dueck*.

The Hon. *J. T. Rabbitt* (Minister of Labour and Consumer Services) presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 6) intituled *Pension Benefits Standards Act* and recommends the same to the Legislative Assembly.

Government House,
May 16, 1991.

Bill introduced and read a first time.
Second reading at the next sitting after today.

The Hon. *W. B. Strachan* (Minister of Health and Minister Responsible for Seniors) made a ministerial statement relating to Canada's Fitweek '91.

Dr. *Perry* made a statement.

Order called for "Private Members' Statements."

By leave, Dr. *Perry* tabled documents referred to during "Private Members' Statements."

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

On the motion of Mr. *Sihota*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 12.31 p.m.

Monday, May 27, 1991

TWO O'CLOCK P.M.

Prayers by the Hon. *J. Weisgerber*.

The Hon. *W. B. Strachan* (Minister of Health and Minister Responsible for Seniors) tabled a report relating to contract procedures at Mount St. Mary Hospital and Saanich Peninsula Hospital.

Order called for "Oral Questions by Members."

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

20 Mr. *D'Arcy* moved, seconded by Ms. *Boone* —

Be it resolved that the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply be amended by adding the following words: " . . . but this House regrets that the 1991 budget continues the current government's practice of trying to hide a record deficit of more than \$1.2 billion and a direct provincial debt of \$9 billion while failing to protect the jobs and businesses of British Columbians during hard times in the forest, mining, smelting, manufacturing, farming and retail sectors."

The debate on the amendment continued.

The House divided.

The amendment was negated on the following division:

YEAS—17

<i>Zirnhelt</i>	<i>Smallwood</i>	<i>Cashore</i>	<i>D'Arcy</i>
<i>Jones</i>	<i>A. Hagen</i>	<i>Edwards</i>	<i>Boone</i>
<i>Cull</i>	<i>Guno</i>	<i>Blencoe</i>	<i>Gabelmann</i>
<i>Miller</i>	<i>Barlee</i>	<i>Clark</i>	<i>Harcourt</i>
<i>Sihota</i>			

NAYS—30

<i>Long</i>	<i>Reynolds</i>	<i>Richmond</i>	<i>Chalmers</i>
<i>Brummet</i>	<i>Dueck</i>	<i>Veitch</i>	<i>Jacobsen</i>
<i>Michael</i>	<i>Couvelier</i>	<i>Vant</i>	<i>Gran</i>
<i>Davidson</i>	<i>Pelton</i>	<i>Crandall</i>	<i>Mercier</i>
<i>Peterson</i>	<i>Weisgerber</i>	<i>Serwa</i>	<i>Rabbitt</i>
<i>Smith</i>	<i>Messmer</i>	<i>Huberts</i>	<i>Strachan</i>
<i>Vander Zalm</i>	<i>J. Jansen</i>	<i>Parker</i>	<i>Savage</i>
<i>McCarthy</i>	<i>Fraser</i>		

And then the House adjourned at 5.36 p.m.

Tuesday, May 28, 1991

TEN O'CLOCK A.M.

Prayers by Mr. *Rose*.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

On the motion of Dr. *Perry*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 11.55 a.m.

Tuesday, May 28, 1991

TWO O'CLOCK P.M.

Order called for "Oral Questions by Members."

The Hon. *L. Chalmers* (Minister of Agriculture, Fisheries and Food) tabled the Annual Report 1989-90 of the Ministry of Agriculture and Fisheries.

The Hon. *S. B. Hagen* (Minister of Education and Minister of Advanced Education, Training and Technology) tabled the Ministry of Advanced Education and Technology Annual Report, 1989-1990.

Mr. *Clark* gave notice of his intention to raise a matter of privilege relating to statements made by the Minister of Finance and Corporate Relations.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

By leave, Mr. *Smith* tabled a document referred to during debate.

Mr. Speaker delivered his reserved decision, as follows:

Honourable Members:

On Thursday, May 23rd, the Honourable Member for West Vancouver-Howe Sound rose on a matter of privilege involving statements made by the Member for Vancouver East in this House on May 14th and May 22nd. The statements fall into two separate categories, the first being the questions asked by the Member for Vancouver East of the Minister of Finance and Corporate Relations, relating to whether or not Fantasy Garden World Inc. had paid provincial sales tax during the preceding year, and secondly, an explanation and apology offered by the same Member at the close of his remarks during Budget Debate on the same day. I quote, in its entirety, the latter remarks as they are of particular relevance to this matter of privilege:

"Mr. *Clark*: The information provided to me in the first week of May 1991, from reliable government sources indicated a sales tax delinquency on the part of Fantasy Garden World Inc. It was on that basis that I sought confirmation from the Minister of Finance.

"In light of the new information provided by the First Member for Richmond, I have no hesitation at this time in extending an apology."

An examination of the debates of this House on May 14th indicates that the Member for Vancouver East asked two questions on this matter during Question Period that day. The first question was phrased in such a way which would indicate that the Member had adopted as a fact the information that had been improperly disclosed to him, in that he asked the Minister of Finance and Corporate Relations for confirmation that Fantasy Garden World Inc. had paid no provincial sales tax. The supplementary question immediately following asked the Minister to inform the House as to whether or not Fantasy Garden World Inc. had, in fact, paid sales taxes in 1990. While both questions apparently had their origins in the improperly disclosed information, the second question appeared to the Chair as being phrased in such a way as to be somewhat less of an accusation.

The Chair also notes that a letter was tabled in the House by the Member for Richmond stating that all social services tax payable by Fantasy Garden World Inc. to date have been fully paid.

The Honourable Member for West Vancouver-Howe Sound brings to the Chair's attention section 11 of the *Social Services Tax Act* which makes it an offence for a person who has custody of, or control over, information or records under this Act to disclose such information or records, except under certain specified circumstances. On the face of it, it would appear that an offence has been committed against the confidentiality provisions of the *Social Services Tax Act* and if so, an investigation by the proper authorities may be appropriate. The question, however, with which the Chair must deal, is whether or not the *use* by the Member for Vancouver East of information illegally disclosed contrary to statute constitutes a breach of privilege or a contempt of this House. What is the duty of a Member of this Assembly when he is made privy to confidential information?

The Chair must emphasize that the accuracy of the information given to the House by the Member for Vancouver East is not the issue here. It appears that the Member erroneously believed the information to be true, and the Member for Vancouver East has offered an apology. Normally, that would end the matter, in accordance with traditions observed in Parliaments throughout the Commonwealth. The difficulty arising, as the Chair sees it, is that in offering the apology, the Member advised this House that the information was provided to him from "reliable government sources."

In the absence of any statement to the contrary, the Chair would have little option but to conclude that the Member for Vancouver East was aware that the information he relied upon, in framing his original question to the Minister of Finance and Corporate Relations, was improperly disclosed to him.

The use of such information in the adversarial atmosphere of politics is not uncommon but the frequent use of such information is not determinative of its propriety. Indeed, the use of information illegally or improperly disclosed may well raise questions of ethics. However, the matter with which the Chair must deal is not ethics, but rather is a matter of breach of privilege.

One of the most important tests to apply, in determining whether or not actions complained of amount to a breach of privilege of the Members of this House, is whether or not those acts impede a Member or Members in the performance of their duties. The allegation implicit in the questions posed to the Minister of Finance and Corporate Relations on May 14th was found to be without basis in fact. The Member has apologized, which, on the face of it, was the remedy sought by the First Member for

Richmond. In this context, the Chair has reviewed the findings of a Special Committee of this House on a matter of privilege in 1980. At that time the Committee heard evidence on the law of privilege from the Canadian expert on the subject, Mr. Joseph Maingot, Q.C., and other experts in the field, at which time it was clearly stated that activities which obstruct Members in the performance of their legislative duties are the basis for the offence of a breach of privilege and a contempt of the House. Mr. Maingot, at that time, went on to say that the test of such an obstruction is a subjective test. Bearing this in mind, when the Member for Richmond indicated to this House that an apology was what he sought, and such an apology was indeed received, it would appear to the Chair that the obstruction criteria, as described by Maingot, have been overcome. While the Chair has great difficulty with the circumstances in this particular case, the rules surrounding matters of privilege are very restrictive, and one needs merely to examine the *Journals* of this House to see that very few matters of privilege have qualified as such over the years.

I therefore find that the Member for West Vancouver-Howe Sound has, for the above reasons, been unable to technically establish a matter of privilege, while at the same time he has brought before the House a grievance which may be of concern to its Members.

STEPHEN ROGERS, *Speaker*

On the motion of the Hon. *E. N. Veitch*, the debate was adjourned to the next sitting of the House.

The Hon. *E. N. Veitch* advised that the House will sit on Wednesday, pursuant to Standing Order 2 (2).

And then the House adjourned at 5.34 p.m.

Wednesday, May 29, 1991

TWO O'CLOCK P.M.

Prayers by the Hon. *C. Gran*.

Mr. *Clark* rose on a matter of privilege relating to remarks made by the Minister of Finance and Corporate Relations with respect of which notice was given to the Chair yesterday.

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) made a statement, reserving his right of reply.

Order called for "Oral Questions by Members."

The Hon. *J. Jansen* (Minister of Finance and Corporate Relations) made a ministerial statement relating to disclosure of tax records contrary to statute.

Mr. *Clark* made a statement.

The House proceeded to "Orders of the Day."

Pursuant to Order, the House resumed the adjourned debate on the motion "That Mr. Speaker do now leave the Chair" for the House to go into Committee of Supply.

The debate continued.

Motion agreed to on the following division:

YEAS—31

<i>Brummet</i>	<i>Dueck</i>	<i>Richmond</i>	<i>Parker</i>
<i>Michael</i>	<i>Couvelier</i>	<i>Veitch</i>	<i>Chalmers</i>
<i>Davidson</i>	<i>Pelton</i>	<i>Kempf</i>	<i>Jacobsen</i>
<i>Peterson</i>	<i>Weisgerber</i>	<i>De Jong</i>	<i>Gran</i>
<i>Smith</i>	<i>Messmer</i>	<i>Vant</i>	<i>L. Hanson</i>
<i>Reid</i>	<i>J. Jansen</i>	<i>Crandall</i>	<i>Rabbitt</i>
<i>Reynolds</i>	<i>Fraser</i>	<i>Serwa</i>	<i>Strachan</i>
<i>Loenen</i>	<i>Johnston</i>	<i>Ree</i>	

NAYS—17

<i>G. Janssen</i>	<i>Sihota</i>	<i>Blencoe</i>	<i>Gabelmann</i>
<i>Zirnhelt</i>	<i>A. Hagen</i>	<i>Clark</i>	<i>Rose</i>
<i>Jones</i>	<i>Barlee</i>	<i>D'Arcy</i>	<i>Marzari</i>
<i>Miller</i>	<i>Cashore</i>	<i>Boone</i>	<i>G. Hanson</i>
<i>Pullinger</i>			

Mr. Speaker delivered his reserved decision, as follows:

Honourable Members:

Earlier today the Member for Vancouver East sought to raise a matter of privilege in regard to comments made by the Minister of Finance and Corporate Relations during the Budget Debate. I have now had an opportunity to review the *Hansard* transcripts and it is readily apparent that this matter falls into the category which has been described on numerous occasions in this House, namely, a situation where two Members disagree as to facts.

Numerous Speakers' Decisions may be found in the *Journals*, and in the 2nd edition of *Parliamentary Practice in British Columbia*, ruling that such disputes are not the foundation of a breach of privilege, but rather the subject matter of debate such as the Budget Debate upon which the House has been embarked for the last six days.

Accordingly, I cannot find that a matter of privilege has been made.

STEPHEN ROGERS, *Speaker*

And then the House adjourned at 5.54 p.m.

Thursday, May 30, 1991

TEN O'CLOCK A.M.

Prayers by Mr. *Barlee*.

The House proceeded to "Orders of the Day."

Order called for second reading of Bill (No. 8) intituled *Supply Act (No. 1), 1991*.

Upon application, Mr. Speaker stated that he was satisfied that the provisions of Standing Order 81 ought to apply.

The debate continued.

On the motion of Mr. *Jones*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 11.58 a.m.

Thursday, May 30, 1991

TWO O'CLOCK P.M.

The Hon. *W. B. Strachan*, on behalf of the Hon. *C. H. Richmond* (Minister of Forests), presented to Mr. Speaker a Message from His Honour the Lieutenant Governor, which read as follows:

DAVID C. LAM
Lieutenant Governor

The Lieutenant Governor transmits herewith Bill (No. 9) intituled *Range Amendment Act (No. 2), 1991* and recommends the same to the Legislative Assembly.

Government House,
May 30, 1991.

Bill introduced and read a first time.
Second reading at the next sitting after today.

The Hon *E. N. Veitch* (Provincial Secretary and Minister Responsible for Multiculturalism and Immigration) tabled the Annual Report of the Public Service Commission for the fiscal year 1990/91.

Order called for "Oral Questions by Members."

The House proceeded to "Orders of the Day."

The House resumed the adjourned debate on the motion for second reading of Bill (No. 8) intituled *Supply Act (No. 1), 1991*.

The debate continued.

On the motion of Ms. *Edwards*, the debate was adjourned to the next sitting of the House.

And then the House adjourned at 5.50 p.m.