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SESSION 2007

ONE HUNDRED AND FORTY-THIRD VOLUME

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**FRASER, PAUL, Q.C.:**

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**HAMMELL, SUE:**

Appointed Assistant Deputy Speaker, 15.

**HAWKINS, SINDI:**

Appointed Deputy Speaker, 15.

**HYNDMAN, PETER:**

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**HOUSE:**

- All necessary questions for the disposal of the various stages of Bill (No. 37) and Bill (No. 31) were put, 116; Bill (No. 43), 161.
- Bill to proceed all stages in one day, 28, 120.
- Bill (No. 36) withdrawn from the Order Paper, 130.
- Bill (No. 40) re-committed with respect to the Schedule, 141.
- Division deferred until later today, 34.
- House schedule pursuant to Standing Order 81.1 (1) and (2), 153.
- Leave given for House to revert to proceedings on second reading of Bill (No. 29), 125.
- Leave given for Committee of Selection to meet while House is in Session, 30, 93.
- Observed a minute of silence, 148.
- Recessed for five minutes, 112, 149.
- Recessed until 2:10 p.m., 123.
- Recessed until 2:35 p.m., 27.

**MOTIONS:**

- Address in Reply, 16.
- Motion that Bill (No. 40) intituled *Tsawwassen First Nation Final Agreement Act* be re-committed with respect to the Schedule, 141.
- Motion that the House adjourn until notice, 121, 162.
- Motion that the House authorizes the Committee of Supply to sit in two sections, Section A and Section B, 29.
- Motion that the Legislative Assembly appoint Mr. John Doyle as the Auditor General for the Province of British Columbia pursuant to the *Auditor General Act* (SBC 2003 c. 2), 108.
- Motion that the Legislative Assembly appoint Mr. Errol Price as the Acting Auditor General for the Province of British Columbia pursuant to the *Auditor General Act*, 115.

MOTIONS — *Continued*

- Motion that this House recommend to the Lieutenant Governor in Council, pursuant to section 14 of the *Members' Conflict of Interest Act*, (RSBC c. 287), the appointment of the Hon. H.A.D. Oliver as Commissioner to December 31, 2007, 136.
- Motion that this House recommend to His Honour the Lieutenant Governor the appointment of Mr. Paul Fraser, Q.C., as a statutory officer of the Legislative Assembly to exercise the powers and duties assigned to the Conflict of Interest Commissioner for the province of British Columbia pursuant to the *Members' Conflict of Interest Act*, (RSBC c. 287), 152.
- Motion that the reports of the Auditor General deposited with the Speaker of the Legislative Assembly during the Third Session be deemed referred to the Select Standing Committee on Public Accounts, 32.
- Motion that the Select Standing Committee on Children and Youth be appointed to be empowered to foster greater awareness and understanding among legislators and the public of the BC child welfare system, 32.
- Motion that the Select Standing Committee on Crown Corporations be appointed to review the annual reports and service plans of British Columbia Crown Corporations, 73.
- Motion that the Select Standing Committee on Finance and Government Services be empowered: to examine, inquire into and make recommendations with respect to the pre-budget consultation report prepared by the Minister of Finance in accordance with section 2 of the *Budget Transparency and Accountability Act*, 73.
- Motion that a Special Committee to Appoint a Conflict of Interest Commissioner be appointed to select and unanimously recommend to the Legislative Assembly the appointment of a Commissioner, pursuant to section 14 of the *Members' Conflict of Interest Act* (RSBC 1996, c. 287) and that the said Committee shall have the powers of a Select Standing Committee, 75.
- Motion that a Special Committee on Sustainable Aquaculture be appointed to examine, inquire into and make recommendations with respect to Sustainable Aquaculture in BC, 17.
- Motion that a Special Committee to Review the *Personal Information Protection Act* be appointed to examine in accordance with section 59 of the *Personal Information Protection Act* (SBC 2003, c. 63) and in particular, without limiting the generality of the foregoing to the collection, use and disclosure of personal information by organizations, 74.
- Motion that Chief Councillor Charlie Cootes of the Uchucklesaht First Nation, Chief Councillor Violet Mundy of the Ucluelet First Nation, Chief Councillor Therese Smith of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nation, Chief Councillor Robert Dennis Senior of the Huu-ay-aht First Nation, and Hereditary Chief Bert Mack of the Toquaht First Nation be permitted to address this Assembly from the Bar of the House, 148.
- Motion that Chief Kim Baird of the Tsawwassen First Nation be permitted to address this Assembly from the Bar of the House, 123.
- Motion *re* Substitution on Select Standing Committee, 141.
- Motion 4 — Be it resolved that this House recognizes the vital role of independent power producers in our goal of becoming energy self sufficient and our goal of producing more electricity in an environmentally friendly manner, 43.
- Motion 11 — Be it resolved that this House recognizes that new metal mines are necessary for the continuation of a healthy mining industry in British Columbia and that mining is an important contributor to a vibrant provincial economy, 24.
- Motion 34 — Be it resolved that this House recognizes the importance of creating a competitive tax climate in the province in order to create a vibrant and sustainable economy that benefits all British Columbians, 65.
- Motion 35 — Be it resolved that this House calls on the new Auditor General to monitor the rate of Single Room Accommodation loss as a part of the Auditor General's Office's evaluation of the Olympics, 19.
- Motion 40 — Amendment to Standing Order 2 (1) Sitting Times, 23, 24.
- Motion 43 — Be it resolved that this House urge the BC Government to introduce the Trade, Investment and Labour Mobility Agreement between British Columbia and Alberta to this House for full debate before it comes into effect on April 1, 2007, 34.
- Motion 44 — Be it resolved that this House calls on the Government to improve substantially the system of road maintenance in British Columbia, 55.

MOTIONS — *Continued*

- Motion 47 — Be it resolved that this House cover farm workers under all relevant provisions of the *Employment Standards Act*;  
 Be it further resolved that the BC government immediately reestablish the Agricultural Compliance Team (RCMP and WCB) and other inter-agency teams (RCMP, WCB, HRDC, CCRA and Motor Vehicle Branch) to ensure enforcement;  
 Be it further resolved that the roadside spot checks of vehicles is restored and increased;  
 Be it further resolved that the BC government order immediately a public inquiry into the roadside accident of a van carrying farm workers on March 6, 2007, 76.
- Motion 49 — Be it resolved that in the spirit of the Province's New Relationship with the First Nations and Aboriginal people, the Legislative Assembly accept and adopt the 2001 Report of the Speaker's Advisory Panel titled "A Review of the Depiction of Aboriginal Peoples in the Artworks of the Parliament Buildings" and refer this matter to the Legislative Assembly Management Committee for implementation of the report's recommendation, 79.
- Motion 51 — Be it resolved that this House strongly encourage the Federal Government to partner with the Province of British Columbia in emergency mitigation flood measures throughout the province and that the Federal Government be a full participant with the Province of British Columbia in developing and implementing a long-term strategy for flood prevention, which would include dike construction and management as well as gravel and silt removal processes where necessary, 84.
- Motion 52 — Be it resolved that this House support the electrification of Highway 37 so as to minimize greenhouse gas emissions in the north-west region of the province, 97.
- Motion 54 — Be it resolved that this House recognizes the necessity of twinning the Port Mann Bridge as a key initiative in opening up our Pacific Gateway, 122.
- Motion 66 — Be it resolved that this House encourages all provinces and territories to reduce barriers to trade and labour mobility by following the model set out in the B.C./Alberta Trade and Investment Labour Mobility Agreement (TILMA), 134.
- Motion 69 — Be it resolved that this House recognize Spirit Square communities throughout the province, and encourages community participation in their local Spirit Square celebrations of BC150 years, 145.
- Motion 70 — Be it resolved that this House support the Agricultural Land Reserve by resolving that future land removed from the agricultural land reserve for the purposes of treaty making must go before the Agricultural Land Commission for a decision regarding exclusion under the *Land Commission Act*, 140.
- Motion 84 — Be it resolved that this House demand the government immediately convene an emergency summit on the future of forestry in this province which will allow communities, workers and the citizens of British Columbia to, once again, have a direct say in the development of a new vision for our forests, our industry and our communities, 153.
- Time Allocation, 112, 154.

## LEAVE NOT GRANTED:

- To permit Bill (No. M 236) to proceed through all stages in one day, 160.

## RULED OUT OF ORDER:

- Urgency motion *re* the Auditor General to conduct an audit into all private land releases on Vancouver Island, 136 (137).
- To suspend Standing Order 45A, 132, (131).

**OLIVER, HON. H.A.D.:** Appointment as Conflict of Interest Commissioner to December 31, 2007, 136.

**PETITIONS:**

- Re* antifreeze containing ethylene glycol, 39, 63, 66, 78, 80, 84, 92, 115, 128, 135.
- Re* childcare funding, 153.
- Re* coal fired electrical generating plants, 19.
- Re* cuts to childcare, 16 (2), 17 (2), 19, 22 (2), 25, 26, 35, 37, 44, 58, 60, 66, 106, 111, 115 (2).
- Re* funding for Mary Manning Centre and Sexual Abuse Intervention Programs in BC, 112, 115.
- Re* gasoline prices, 108 (8), 109 (9).
- Re* Gordon Drive liquor store, 19.
- Re* highway needs of the Sunshine Coast, 47.
- Re* Honeymoon Bay flooding, 115.
- Re* impact of the Canada Line on small businesses, 115, 130.

**PETITIONS — Continued**

- Re* long-term care facilities in Powell River, 69.
- Re* meat inspection regulations, 161.
- Re* Mercury Marina and Trailer Park, 84.
- Re* road conditions in the Likely area, 111.
- Re* road maintenance services in the Quesnel area, 60.
- Re* safety issues on Highway 101 on the Sunshine Coast, 161.
- Re* smoking areas in Royal Canadian Legions, 128, 136, 144, 145, 147, 158.
- Re* Tree Farm Licence No. 23, 147, 151, 161.

**POINT OF ORDER:**

- Re* Remarks made by the Leader of the Official Opposition subsequent to a ruling by the Speaker relating to a Public Bill in the Hands of Private Members, 130.
- Re* Remarks made by the the Leader of the Official Opposition during Question Period, 131.
- Re* Statements made by the Premier during Oral Question Period, 80.
- Re* Timing of presenting an answer to a question taken on notice during Oral Question Period, 137 (138).

**PRICE, ERROL:** Appointed Acting Auditor General, 115.

**PRIVATE BILLS:**

- Referred to Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills:
- No. (Pr 401) — *Pacific Coast University for Workplace Health Sciences Act*, 80.
- No. (Pr 402) — *Mission Foundation Amendment Act, 2007*, 90.

**PRIVILEGE:**

- Comments made by the Member for Cowichan-Ladysmith during Question Period on November 21, 2007, 151, 153, 157.
- Reserved right, 19, 73, 80 (2), 83 (2), 91, 92, 110, 123, 126, 142, 144, 147, 149, 161.

**PROROGATION:** 163.

**RESOLUTIONS AND ORDERS:**

## RESOLUTIONS:

- House adjourned until notice, 121, 162.

## ORDERS:

- Bloy, Harry, appointed Deputy Chair of the Committee of the Whole, 15.
- Budget debate, 20.
- Committee of Supply, 20.
- Committee of Supply to sit in 2 sections, Section A and Section B, 29.
- Estimates referred to Committee, 20; Supplementary, 27.
- Hammell, Sue, appointed Assistant Deputy Speaker, 15.
- Hawkins, Sindi, appointed Deputy Speaker, 15.
- Selection Committee appointed, 15.
- Votes and Proceedings printed, 15.
- Whittred, Katherine, appointed Deputy Speaker, 141.

**SPEAKER:**

## RULINGS:

- Creation of an offence is an interference with Crown prerogatives in a Private Members' Bill, 128.
- It would be inappropriate to request a significant amendment to the Standing Orders in the course of second reading of a Bill, 132.
- Reduction in the rate of tax payable is an interference with Crown revenues and out of order in a Private Members' Bill. Standing Order 67 would require a recommendation by message of the Lieutenant Governor to validate such a Bill, 128.

**SPEAKER — Continued****STATEMENTS:**

- Assistant Deputy Speaker made a statement *re* guidelines of Private Members' Statements, 65.
- Commonwealth Day, 42.
- Determination of when to return with an answer is in the discretion of the Minister and not a matter that the Chair rules upon, 138 (137).
- Matter raised is a matter which squarely falls into the category of a dispute as to facts and does not form the basis for a question of privilege, 157 (151, 153).
- Message from Sindi Hawkins, 142.
- Public Bills in the Hands of Private Members have been introduced and permitted to proceed to second reading, notwithstanding such bills may have a flaw preventing the adoption of the measure; it is the Speaker's duty to advise the Members that the Bill in the Hands of a Private Member, cannot proceed further and the bill is accordingly ruled out of order, 130.
- Standing Order 25B, scope of debate in daily Statements by Members, 29.

**CHAIR'S STATEMENTS:**

- It is a Crown prerogative to make agreements. The role of Parliament is to debate, accept, reject or amend the Bill but, subject to technical amendments, it cannot amend the Agreement, 135.

**STANDING ORDER 35 (URGENT PUBLIC IMPORTANCE):**

- The House has a daily Question Period and Motions on Notice are debated on Mondays during Private Members' Time, 137 (136).

**STATEMENTS OTHER THAN SPEAKER:**

- Bond, Hon. S., *re* Mr. Rick Hansen, President and CEO of the Rick Hansen Foundation, 112.
- Campbell, Hon. G., *re* retirement of Hon. H.A.D. Oliver, Q.C., Conflict of Interest Commissioner, 151.
- de Jong, Hon. M., *re* time allocation, 153.
- de Jong, Hon. M., *re* death of Hereditary Chief Cosmos Richard Frank of the Ahousaht First Nation, 148.
- James, Ms. C., *re* Mr. Rick Hansen, President and CEO of the Rick Hansen Foundation, 112.
- James, Ms. C., *re* retirement of Hon. H.A.D. Oliver, Q.C., Conflict of Interest Commissioner, 151.
- Oppal, Hon. W., *re* provisions of section 6 (3) of the *Judicial Compensation Act* and the procedure established therein relative to Compensation Commission Reports, 127.
- Simpson, Mr. B., *re* death of former member Frank Garden, 125.
- Thorpe, Hon. R., *re* personal statement, 34.

**SUMMARY OF HOUSE: 165.****SUPPLY:**

- Committee of Supply to sit in two sections, section A and section B, 29.
- Estimates presented, 20; Supplementary, 26.
- Estimates referred to Committee, 20, 27.
- Order for Committee, 20.
- Order "That the Speaker do now leave the Chair", 20, 22 (2), 25 (2), 26, 28 (2), 30.
- Progress reported, Section A, 36, 38, 40, 42, 45, 47, 48, 49, 50, 54, 56, 57, 60, 63, 64, 68, 69 (2), 71, 72, 75, 78, 81 (2), 83, 85, 86, 88, 89 (2), 92, 93, 95, 96, 97, 99, 103, 106, 109, 110, 113, 114.
- Progress reported, Section B, 39, 68, 69, 71, 72, 75, 80, 81, 83, 88, 92, 93, 94, 95, 96, 109, 110.
- Resolution from Committee of Supply agreed to, 27, 119.
- Resolution reported, Section A, 37, 39, 45, 49, 62, 71, 77, 86, 89, 91, 94, 99, 100, 105, 107, 111, 118.
- Resolution reported, Section B, 90, 97, 111, 119.
- Resolution reported, Committee of the Whole House, 27.
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- Supply motion (second motion), 27; (supplementary), 119.
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**TIME ALLOCATION: 112, 116, 154, 161.****WHITTRED, KATHERINE:**

- Appointed Deputy Speaker, 141.

**WILLISTON, RAY:**

- Death of announced, 1.