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THE HONOURABLE BILL BARISOFF, SPEAKER

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Her Honour the Honourable Iona V. Campagnolo, CM, OBC

**SECOND SESSION, 38TH PARLIAMENT**

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Morning Sitting

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MONDAY, MARCH 6, 2006

The House met at 10:03 a.m.

Prayers.

### Orders of the Day

#### Private Members' Statements

##### A BIG PROBLEM IN LITTLE HANDS

**I. Black:** In one of the crystal meth forums I attended in the fall, one of the speakers spoke about various addictions within the clientele that he had, as one who treats such addictions. He began with a list where crystal meth was indeed in fourth place, although sadly growing in its prevalence. In third place was cocaine; in second place was marijuana; and to the surprise of few, alcohol was on the top of his list.

However, all of that pales in comparison to the addiction that exists within our society and, most alarmingly, within our youth: tobacco addiction. It is that topic on which I'd like to focus my comments today.

Now, to our members opposite, I am so glad that you're sitting because my remarks today are going to be somewhat non-partisan, and I know that may come as a bit of a shock for you. In fact, you may find, if you indeed pay close attention, there's almost a begrudging tip of the hat. I hope that my history, brief as it may be in this House, will assist in your understanding of how this took absolutely enormous restraint on my part.

[1005]

However, to the subject at hand. For six years now British Columbia has had the lowest smoking prevalence rate of any Canadian province and the second in North America, save only for Utah, where of course Mormons are not allowed to smoke. Initial results for 2005 indicate that B.C. will continue this trend for a seventh year, and that we also seem to have achieved and indeed surpassed the Premier's ActNow B.C. goal for tobacco reduction in British Columbia — the use of it, that is.

However, despite the fact that tobacco is the single most preventable cause of disease and death in British Columbia, and although our smoking rate has indeed dropped to 15 percent — again, the lowest in the country — we still have 5,600 smokers dying every year in this country. Now let's put that in context. That means that every 13 seconds somebody dies of a smoking-related illness. In fact, more people die from smoking than from accidents, alcohol, drugs, suicide, AIDS and homicides combined.

More than half a million British Columbians are addicted to tobacco: 558,941 was the last count of the British Columbians over the age of 15 who smoke — again, equivalent to 15 to 16 percent of our population. Where this starts to get more alarming is that 61,000, or about 22 percent, of those who smoke are between the ages of 20 and 24. Of the British Columbians who misuse tobacco, also alarmingly, 55,000 of them are abo-

riginals. That means we've got 8 percent of our population who smoke coming from 3 percent of our overall provincial population. More than half the aboriginal teenagers, about 54 percent, misuse tobacco, with rates increasing to 65 percent among those aged 20 to 24. Among aboriginal children, 12 percent of boys and 7 percent of girls use chewing tobacco, some as young as five to nine years old.

[S. Hawkins in the chair.]

This culminates in a little bit of a good news–bad news story. The bad news — and it is bad — is that tobacco companies need new smokers to stay in business. Since statistics clearly tell us that the average age at which most smokers begin to smoke is around 16, it seems obvious that tobacco companies will target young people as their new customers. The good news is that tobacco control and reduction strategies have been proven to work.

The next step in this attack on the use of tobacco was taken by this government in May of 1994, when we unleashed the recent component of our aggressive strategy to protect everyone, especially young people, from the harmful effects of tobacco. The B.C. tobacco-control strategy includes a comprehensive range of efforts to reduce tobacco use, including school-based programming, public education, protection from secondhand smoke, support for cessation, legislation and, indeed, legal action. Why do we need to do this? Because too many young people continue to smoke and experience the negative health consequences.

Let's pause for a minute and put this in a financial context. It is estimated that in Canada the cost of treating tobacco-related illnesses is \$9.6 billion. Using the 10-percent rule, which can apply to British Columbia — and it's a little crude when it comes to the math — that says that about a billion to a billion and a half dollars a year in this province would get spent on tobacco-related illnesses. That's between 10 and 15 percent of our health budget. With all the discussion we've had in this House, and rightfully so, on what's happening with our health care system, and despite the fact that we spent 25 percent more on health care in the last year than five years ago, we still have a demand that is far outstripping supply. There's no end of those two curves coming to any kind of a flat line.

Interjection.

**I. Black:** Yeah, pardon the pun. This leads us to recognize that we have to do something about this and allows us to imagine what we could do if we had an extra billion and a half dollars to spend every year on the Ministry of Health.

There are three objectives to the strategy: stop our youth and our young adults from smoking; encourage and assist existing smokers to quit; and protect British Columbians, especially infants and children, from the exposure to secondhand smoke. Underlying this strategy are some laws with respect to the age of smoking

— asking for ID, penalties, the enforcement of those penalties — legal action against tobacco companies, where the B.C. Court of Appeal upheld the province's right to sue the tobacco industry — that was quite recent actually, in May of 2004 — and, indeed, some dedicated and highly successful programs towards the aboriginal community.

This is of great concern to me as a parent, as a coach of youth sports and as a legislator. We must continue to build on the initiatives of yesterday and today to shrink and ultimately eliminate the development of future generations of smokers.

[1010]

**D. Routley:** It's all well and good to say fine words about problems that we all seek to address collectively, but the government's record would speak a different story than the words of the previous speaker, the member for Port Moody–Westwood.

Seeing that crystal meth addiction is fourth on the list of the person the speaker spoke to — cocaine third, marijuana second, alcohol first — is no surprise to this member. This province is paying great attention and is giving all the resources it can on a local basis to address these problems — family by family, community by community — but they are lacking the support of the provincial partner.

We have seen, as the member suggested, six years of being the jurisdiction with the lowest smoking rate in North America. This is something to be proud of, but the speaker neglects to mention that the Health Ministry of British Columbia has cut funding to the B.C. tobacco-control group within the ministry. These are actions speaking a different story than words. With crystal meth we see the same hypocrisy between words and actions. This government identifies crystal meth addiction and the growing problem as one of its number-one priorities in its child budget. Yet we see treatment centres around this province closed and those that are open, challenged for funding. We see on southern Vancouver Island one treatment bed for addicted youth. Actions, I think, speak much louder than words. So far, the actions of the government have not measured up to its promises.

This government has promised the parents and the communities of British Columbia that addiction services, particularly to young people, will be a top priority. How can that be equated with cuts to the Health Ministry's tobacco-control group? It should be our priority to stop youth from smoking, encourage smokers to stop. It should be our priority to address this vital need, not only because of the costs that have been mentioned to our economy, to our public health system, but above and beyond that, we have the ethical and moral duty to one another to help each other overcome obstacles. That can hardly be identified as the theme of this government.

I'm calling on this government to make its words mean more, to make its actions equal those words, to properly and adequately fund addiction treatment services in British Columbia, to give the youth of British

Columbia a chance at continuing our rate of being the lowest-smoking-rate jurisdiction in North America. Without the proper treatment and without the proper resources for public education, that record will slide.

Finally, I ask this government to make its words equal actions and to properly fund the health services required by smokers and by those considering stopping.

**I. Black:** I'm trying to keep this friendly, so I'll continue along that vein.

Interjection.

**I. Black:** I'm receiving words of encouragement from our members opposite.

Let me touch on a few things and perhaps bring some awareness to our previous speaker, the member opposite. The fact of the matter is that the programs available for assisting in prevention and cessation of smoking in this province have expanded. I'd like to touch on some that do exist.

You've got [quitnow.ca](http://quitnow.ca), which is a free website to B.C. residents. It's an on-line tool to help smokers quit and to give them information about resources available in their region, which is also supplemented by the quitnow by phone, which is a phone-access, telephone cessation counselling, available seven days a week, 24 hours a day, with translation services into 130 different languages — again, free to B.C. residents. We also have the deployment of regional tobacco-reduction coordinators who work closely with schools and communities to tailor tobacco programs and services.

We also have a program called Kick the Nic, which has been around for several years, targeting hard-to-reach teen smokers, and aims to lower youth smoking rates. The program features resources including posters, brochures, handbooks, tip sheets — all of which are also available electronically, an additional investment in this area. We also have the Think Smart! Don't Start! peer-leadership resources that are designed for secondary students to help elementary students choose to be tobacco-free.

[1015]

Finally, of course, we've got tobacco-free sports, which aims to help coaches, school administrators and athletes with messages about the importance of choosing a healthy, active and tobacco-free lifestyle. However, the resource that I found most intriguing — because in preparing for my remarks today I actually spent a fair bit of time here — was at [tobaccofacts.org](http://tobaccofacts.org), a youth- and teacher-oriented, web-based prevention resource outlining the impacts of tobacco use and alternatives for healthy living. It's got amazing information there on quitting, tobacco truths, secondhand smoke truths and tobacco control. The parts that I found particularly enjoyable were the 11 games they had, clearly focused on the youth, including games such as "Puke Page," which I thought was a reference to *Hansard*. "In the Know" is another game. "Play it Clean" is another. "Burn your money" — there's a joke



in there too — and "Killer stats" and "E-card." Wonderful resources for parents and teachers alike.

Then, of course, there's a subset of this website called bc.tobaccofacts, which is a K-to-12 curriculum — another great investment in this area focused on our schools and working on tobacco prevention.

New learning materials are still being developed, including lesson plans, background information, worksheets, posters and teaching aids. Clearly, a way to address our youth is through the school systems. Our investments in the area of preventing young people from smoking is highest in those areas, and this government will continue to make sure that happens.

### GANG VIOLENCE

**J. Brar:** I rise to make a statement with regard to an important public safety issue.

The most important public safety concern brought to my attention almost every day by the community everywhere I go is the issue of gang violence. I hear that every day from the people in every part of the lower mainland. There are a number of different kinds of gangs in British Columbia. We have bikers, Asian gangs, but my focus will be on the Indo-Canadian gangs.

In the past 20 years there have been over 100 murders of young Indo-Canadians — an average of one every 45 days. There were three Indo-Canadians killings in B.C. in the first two weeks of 2006. More than 50 percent of the murders have occurred in public places, which highlights the increasing risk to the general public from gun violence. Four of those shot were innocent and not involved in gangs, including the case of Port Moody's Laurie Tinga, who was shot in the head as she sat on her couch watching TV. In my community of Surrey-Panorama Ridge there was a drive-by shooting at several houses at 64th Avenue just a few months ago.

Let me give you some figures that show how serious this problem is. During the provincial congress on public safety last year RCMP Assistant Commissioner Gary Bass pointed out that organized crime in B.C. is exploding, with the number of criminal organizations more than doubling from 52 in 2003 to 108 in 2005. Mr. Bass said: "We actually have a higher homicide rate here this year than Toronto has."

Almost one-third of Vancouver's homicides involve young Indo-Canadian men as well. Kidnappings involving Indo-Canadian gangs have doubled since 1999. The number of homicides in Surrey alone has doubled during the last year from 11 to 22. The use of commercial trucks to transport pot to the U.S. is up about 400 percent over the last three years.

School liaison officers have clearly indicated that young Indo-Canadian students are being recruited by Indo-Canadian gangs at schools. The information presented in the above paragraph clearly indicates that it is, in fact, a growing problem and a serious public safety issue.

The community has devoted a tremendous amount of time and energy to finding practical solutions to this problem. In 2002 a lot of young people, community leaders and activists came together in Vancouver and organized a forum on youth violence. In February 2003, again, this forum on Indo-Canadian youth was followed by another one in Richmond.

In May 2004 the community leaders came together again. After detailed discussion it was agreed to form a broad-based community organization. The new organization was named Sikh Societies of the Lower Mainland. It includes representatives of all the *gurdwara* Sikh temples in the lower mainland. Mr. Balwant Sanghera was elected as the spokesperson of this organization.

This organization had three basic objectives: (a) put together a list of available resources and programs, (b) support existing organizations and programs, and (c) act as an advocate for the community with all three levels of government. This community has done a meaningful job working toward those goals.

[1020]

Similarly, a number of other important community stakeholders such as VIRSA, SEWA, UNITED, Headlines Theatre, and a community that cares have also done an extraordinary job of developing and delivering programs for youth, with a goal to saving them from becoming victims of organized crime. They are continuing their efforts mainly with volunteer activity and by raising funds from the community. I do recognize that a little funding was made available to some organizations just before the election. More support and more cooperation will certainly make it better. I would like to take the opportunity to thank all those organizations and all the volunteers for their dedication and commitment towards this complex problem.

The community has been asking government for practical solutions and measurable actions to suppress or eliminate the gang violence in the community. They have repeatedly stressed the need for community consultation; greater involvement of people on the ground, including victim families; and community networks. At this point in time the community believes that the government of British Columbia has failed to handle this problem.

Madam Speaker, let me tell you why. A regional Indo-Canadian gang task force was in operation from late 2002 to early 2004, when it was disbanded quietly. But the killing continued, leading to ongoing criticism from community leaders and news media. Subsequently, the former Solicitor General of British Columbia made an announcement in 2004 stating that a new task force would be set up to tackle Indo-Canadian gang violence and investigate dozens of unsolved murders. In December 2005 the chief of the B.C. Integrated Gang Task Force stated that a new 60-member task force is focusing on the Indo-Canadian gang violence.

I would like to make it very clear here that I do appreciate the efforts of every officer of the RCMP for dealing with the very difficult task they have. They

have done a commendable job. But if somebody cares to review what happened to the task force — it was established in 2002, disbanded in 2004, came back again in 2005 — it clearly indicates the incompetence and mismanagement of this complex issue of gang violence by this government. Furthermore, it also indicates that the government has failed to develop a vision leading towards practical solutions and measurable actions dealing with this problem.

**D. Hayer:** While I appreciate the concerns raised by the hon. member about this grave and tragic issue, I do want to make it very clear to this House that this government cares very much about the battle against criminal gangs and youth gangs. In fact, just last week the Solicitor General injected millions of new dollars into the fight against this violence. This government is investing \$10 million over the next three years, dollars that are going directly to province's Integrated Gang Task Force to assist in breaking the cycle of violence.

The Integrated Gang Task Force was formed last year following a meeting with Indo-Canadian community leaders in an effort to combat the tragic loss of over 90 young Indo-Canadian lives to gang violence. We had many meetings with Indo-Canadian community organizations, social organizations and community leaders, with RCMP, local police officers, the Solicitor General, the Attorney General, the Minister of Education, MLAs, teachers, principals, parents, students, youth and the Premier's Public Safety Congress, and had many other discussions and meetings to find solutions.

There's no one easy solution. We all have to work together to solve this youth violence problem. We have listened, we acted, and we are providing the funding. We invested \$8 million when the task force was first established, and now we're injecting even more money to fight against this violent form of crime. The task force is made up of 63 full-time police officers assisted by 13 civilians. The task force leader, Delta Police Supt. John Robin, says: "The force is fully staffed and fully operational. Every municipal police force and the RCMP police detachment in the lower mainland is represented in the task force."

[1025]

I want to point out to the hon. member Superintendent Robin's remarks that no one should be "under any illusion that gang violence will be resolved overnight. However, the community, the police and government are united and committed to the goal of suppression of gang violence in British Columbia." Those words from the head of the task force send a clear message that this government is committed to ending the gang violence. As Superintendent Robin said, it won't be accomplished overnight, but we are making good progress.

In addition to all the provincial funding we have all invested in this, our government is also talking to the new federal government to urge an increase in the penalties for drug traffickers and producers. I'm also personally encouraging a minimum jail sentence of seven to ten years for anyone carrying illegal guns or

using such guns to commit crime. Our Premier has also encouraged the federal government to commit to minimum sentences. Let's remember, Madam Speaker, it is only a small number of criminals who are committing the majority of crimes, and most of the gang violence and crime is directly tied to the drug trade.

I also want this House to know that the government isn't just stopping at the increased enforcement initiatives and increased penalties. We are working closely with the Indo-Canadian community and organizations to develop prevention and intervention approaches to stop the gang violence before it starts, through such initiatives as the provincial committee on diversity and policing. While we understand that gang activity, the drug trade, organized crime, violence and murder are not unique to any one culture, I want to make it very clear that this government is fully committed to continue working with the Indo-Canadian community to protect our youth and end the cycle of violence.

As well, the government has enacted civil forfeiture legislation to target organized crime and allow us to seize the profits of illegal activity. Through all this we are being very proactive to fight against crime, and we are being very proactive in trying to stem the tide of death that has struck deeply into the heart of the Indo-Canadian community. We have established the Youth Against Violence line, a toll-free automated telephone and e-mail system that provides a safe and confidential way to prevent and report incidents of youth violence.

Gang violence isn't new, but it is only since our government took office that anyone has listened or done anything. The last government didn't do anything. That's why this problem got much worse than it should have. I am proud of what we have done so far. I also know we will continue doing everything possible to save lives, to make our community safe and to stamp out gang violence.

We'll continue meeting with the many community organizations and groups that are doing an excellent job to help solve this problem. We also have to work together as opposition, the RCMP, community organizations, every member of the community and with the judiciary to make sure we solve this problem.

**J. Brar:** I appreciate the response from the member for Surrey-Tynehead, but let me tell you, Madam Speaker, that \$10 million is not the only solution to this problem. We keep hearing this \$10 million announcement — reannouncement and reannouncement of the same money — not once, but more than two or three times.

First of all, I want to respond to the member that the last government didn't do anything. Let me remind the members on the other side that the last government established what we call the Organized Crime Agency of British Columbia, which was responsible to this House. Then this government came into power, and they disbanded that organization, as well, and handed it over to the RCMP. That was the beginning point when this whole explosion of gangs started. It is the

RCMP commissioner — not me — saying that the gang violence and the number of gangs has almost doubled in the last three years. I hope the member from the other side will recognize that this is a growing problem.

When the announcement was made a few days ago, which was the second time the announcement was made, I heard not even a single person saying that it's a good thing. What we heard from the community was a critique that this government does not understand what the problem is, does not have a vision for this problem and does not have practical solutions to this issue. That's what I'm talking about. If you look at the history of this last three years, you brought a task force, and after two years you quietly disbanded the task force. Then, after one year you say we need the task force again, and now you say we need more funding for that task force.

[1030]

I appreciate the task force — the work they are doing — and I hope they will bring positive results in the future, but the issue here is working in isolation or working with the community. This government has chosen to work in isolation, and they need to go back. I recommend to the government strongly that they need to work with the community and come up with a very clear vision and also with practical solutions to deal with this issue, because this issue is very, very important to all of us and particularly to this community, which has been crying for almost the last few years.

With that, I would urge the government once again to work closely with the community and with those groups who spend days and nights dealing with this issue and to develop a vision to deal with this issue and a practical-solution action plan.

#### BENEFITS OF A STRONG ECONOMY

**D. Hayer:** The key benefit of a strong economy is that people can once again feel good about themselves. They can go home to their family and feel secure. They are in demand. They have secure employment. They have the skills that are needed, and they have money in their pocket.

In fact, the buoyant economy brought people back to British Columbia — just the opposite of what it was in the 1990s, when people were fleeing this province for Alberta, the interior, the United States and Asia. Since 2001 the trend has changed. Our net population has increased by 175,000 people. That's the equivalent of another Kelowna.

B.C.'s job growth is second to none in Canada, with almost 275,000 jobs created since 2001. British Columbia's economy is once again strong — so strong, in fact, that people are investing huge sums of money in the future of this province. Last year alone British Columbians invested \$6 billion in new homes, plus nearly \$4 billion in renovations of existing homes. Those statistics speak volumes about the strength of our economy and the faith our residents put into it, because being able to build new homes means you're not only invest-

ing and bringing more money in the future. You're investing in your family's future.

Growth is most evident in my city of Surrey, which increases by 1,000 people every month. Without the strong economy, without job growth people would not be moving here. People would not be investing here. Also, without a strong economy government would not be able to invest in the things that make a better life for all British Columbians and my constituents — investment in things such as more hospital space, which is now being done at Surrey Memorial Hospital; a rapid transit system; education; and our transportation system, like the Gateway program, which in Surrey-Tynehead is vital.

This province and its people suffered for many years during the 1990s under the NDP. We went from number one in the country to number ten, from the best to the worst in Canada — bottom of the barrel in a decade. When this government took office, we inherited a system and an economy that was the last and the worst in Canada. Infrastructure was neglected, red tape was strangling business, and people had no hope for the future.

Today, in just five short years, B.C. now has an economy where construction is booming, and that is unprecedented. We have a national economic powerhouse. There are so many jobs that we can't fill them all. We have to look to foreign workers to meet the demand, but that doesn't mean we have overlooked our own young people, who will soon be moving into the booming job market. We have unprecedented investment in education, in skills development and in apprenticeship programs so our young people will have the tools they need to take advantage of opportunities that flourish across this province.

Through my various roles in this government I had an opportunity to travel to almost every corner of British Columbia. A few years ago people in Quesnel were telling me that the weak economy had left them with homes that had little or no value, that they could not afford to move because investment had diminished. In Prince George it was the same story, as it was in the Kootenays and on Vancouver Island. Today, however, those same people are telling me they have equity in their homes, that their homes have escalated in value, that their jobs are secure and that there's work for every member of the family.

[1035]

What this government has done for people by creating the dynamic economy we have today is made them feel good about themselves. It has given them security. It has given them hope back. It has given them the investment they wanted in their homes and in their families.

People now want to be in British Columbia. They want their families to grow up here and go to school here. They want to be part of the success that is happening throughout our province.

We are no longer hearing that — as it was under the NDP — business is leaving the province for Alberta, the interior, the U.S. because of the policies of the

NDP, which drove businesses away. Today business is growing, expanding and flourishing. That means more jobs for all British Columbians. Construction is booming — not just because of the 2010 Olympic Games.

Jobs are the bellwether of economy, and they are everywhere. A few years ago British Columbians had to search high and low to find any kind of work. They often had to go for months between jobs when their companies failed or demand for their skills was low. Not any longer. Today people can move quickly from job to job. Their skills and talents are in demand because we have an economy that is growing by leaps and bounds. It can only get better.

In less than four years we will be in the world spotlight, and with the entrepreneurial spirit of British Columbia, I know there will be huge economic benefit flowing from that for many, many years to come. We often talk of the golden decade to come. I believe we are shortchanging ourselves by not saying golden decades, because what we have established here will last for many, many decades.

The booming economy won't stop with the Olympics. It won't slow down at all, because British Columbians have their spirit back. They have hope in themselves. We now see a good life ahead, and we will want to keep that going for as long as possible.

I will wait for the opposition to respond.

**M. Karagianis:** While I will agree with some of the statements made by the previous speaker about what people want in this province — and certainly people do want to be secure and do want to have hope — the reality is a slightly different story than what the previous speaker has in fact been talking about. A recent poll showed that more than half of the people in this province do not feel that they are benefiting from a booming economy. I think that's a very telling picture of what's really happening here in British Columbia.

Over the weekend I did some investigation into the real facts and figures that StatsCan has been compiling on the economy in this province, and the reality is that despite the glowing housing market and construction boom right now, over all in this province productivity is down. We, in fact, have lost the edge on productivity, and without that sustainable part of our economy, it will again be a boom-and-bust environment that we live in.

Looking at wages, the wage sector and wage scale here in British Columbia over the last number of years has remained very flat. We have seen a reduction in wages for average working people throughout British Columbia, combined with off-productivity in several sectors — including, oddly enough, oil and gas. Oil and gas prices may be high, but productivity is lower now than it was five years ago in the oil and gas sector. Those are clear statistics from Stats Canada, and it has nothing to do with any partisan view of what's going on here.

What I would say is that there is an indication that the economy is subject only to this huge boom in oil and gas prices right now. What is that? What's the real

legacy that that leaves behind for the people of this province? Well, while we've seen these huge prices and this rise in this economy, we've actually seen a growth in the opposite side of the spectrum here, which is an increase in child poverty and homelessness in this province. What does that tell us about what the economy is delivering to ordinary people throughout British Columbia?

Homelessness is a plague that has grown not just in big urban centers, but we have seen a doubling of homeless numbers throughout British Columbia, and now the homeless are showing up in small-town British Columbia. That's a new phenomenon that is taking place, concurrent with a booming economy time here in British Columbia. What does that tell you? It says that people are being left behind.

[1040]

In fact, if 25 percent of the children in this province are living in poverty, that's their families that are living in poverty. They don't live in isolation. So where are those people? In my riding that is actually the statistic right now for child poverty, so those people are being left behind. We've seen a growing number of actual homeless families — 50 right here in the capital region. Those people are being left behind.

When we talk about how we will be in the spotlight in 2010, you're right. We will be in the spotlight in 2010. But while we see this boom-and-bust economy happening, we see reduced productivity around this province, including in agriculture and in oil and gas. We see a growing homeless and poverty population. What does that tell you? We have these two parallel opposites happening in the province. In fact, not everyone in this province is benefiting from the economy. This is not a sustainable economy if it's creating more poverty and more homelessness in parallel with more wealth for a small percentage of the people in British Columbia.

I would like to say that yes, everybody would like to benefit from an economic boom. In fact, the role of government is to try and find a way to make sure that everybody does benefit from that. As long as poverty and homelessness are growing, then our economy is not good for everyone in this province and, in fact, is not sustainable.

**D. Hayer:** I thank the member for her comments, though I certainly don't agree with all of them. I don't understand how anybody cannot support the good things this province has done to get British Columbia back on its financial feet.

We had a long road to go to take our economy from the dead last it was to its rightful place as the number-one economy in Canada and the best place to live in all of Canada. We have learned over the decade, and a few weeks ago, that what this province has done.... If we had the NDP running the province, I can understand it will go back again, so the economy would not be sustainable.

But the policies that we have put in have changed these things. We have heard over the past few weeks

where this government will take this province in the coming decade. The throne speech detailed what is to come and made it clear that the strength of British Columbia is in its people, its seniors, its youth, its immigrants, its leaders, its builders, its innovators, risk-takers and the new pioneers of opportunities who will take advantage of the great potential we have created.

This budget detailed how we will get there: through modernization of our health care system; through expanded educational opportunities for our children; through infrastructure investment that will clean up traffic bottlenecks, make our ports more accessible to move more goods and reduce air pollution caused by gridlock.

The budget also makes it very clear that we're investing millions of dollars to assist and encourage immigrants with language training issues, with employment opportunities and with the expedited credentials, so the foreign-trained professionals can find appropriate work for their skills and talent.

We are fortunate that we have a Premier and cabinet who think about our future, the well-being of British Columbia and who put those thoughts into action. My constituents are seeing the results at a university campus close to home, a Gateway program so that people can get to their work and jobs quicker and back to their families quicker and put less stress on their families and waste less time while polluting the air in gridlock traffic.

The twinning of the Port Mann Bridge and the construction of the South Fraser perimeter road are vital not only to the future of my constituents; it is also for all British Columbians, because traffic jams at the bridge cost our economy \$1.5 billion a year.

More beds at Surrey Memorial Hospital, a new emergency and urgent care facility and a 148,000-square-foot out-patient hospital and new ambulatory care facility and renovation to accommodate some 140 additional acute care beds in Surrey Memorial Hospital.... Surrey Memorial will also get more renal dialysis capacity and a new prenatal care facility. This is great news for all of Surrey constituents.

But you know, Madam Speaker, without the actions of our government, without what we have done, we would not have the benefits that flow from such a strong economy.

#### ATTRACTING INVESTMENT TO THE COASTAL FOREST INDUSTRY

**B. Simpson:** The coastal forest industry is in crisis. There's simply no other way to put what the situation is that the coast industry is confronted with. In fact, the Pearce report in 2001 pointed this out to government in very clear language. "My investigation of the coastal forest industry has revealed strong evidence of an industry in crisis. All of the...measures of economic performance lead to the conclusion that the industry cannot sustain itself in its present form."

[1045]

This crisis has been brewing since the 1980s, but it started to accelerate in the mid-90s, which was the last

time the industry posted positive earnings and saw capital invested. Why the slide from the mid-90s? First, there was a significant shift in customer demands. The Kobe earthquake of 1995 meant that the Japanese market for wet hemlock changed, and the industry had to adjust. Europe was also demanding kiln-dried hemlock from the coast for their markets.

Secondly, the Japanese recession in 1997 started to cause the collapse of the coastal industry because of reduced housing starts — by 40 percent — in Japan. Then we all remember the environmental boycotts, particularly of coastal logging operations. Land claims and land use disputes caused the government to respond — because the market did not respond with third-party certification — with the Forest Practices Code and all the implications of that for costs on the industry.

Today that crisis is deepening. The softwood lumber dispute, which again raised its head in 2001 and has no resolution in the near future, particularly impacts the coast. It has an added-value tax on it, and coastal forest products fit into that added-value tax. Then, of course, there's the rising Canadian dollar. The Canadian dollar looks like it will be approaching 90 cents shortly. That will continue to impact all our industries, but the coast in particular.

There are deeper issues at work, issues such as the conversion to second growth and what the coastal industry calls the hemlock problem. The reality is that for decades we have creamed coastal forest wood, and we have taken all of the higher-value wood out. Now we have second-growth forests that have hemlock, which is a very wet wood. Hemlock is now 60 percent of the standing timber and, over the last five years, has lost 50 percent of its primary market in Japan and in the U.S.

Energy and transportation costs are going to continue to rise, and this has a compounding impact on the coast. Hemlock requires a lot of energy to dry, so as energy costs continue to go up, it makes it less and less competitive to work with hemlock. We are feeling the effects of undercapitalized mills. We are feeling the effects of the link between solid wood operations and pulp mills being broken because of the mountain pine beetle uplifts in the interior and interior chips coming in and replacing the coastal logs for pulp.

Finally, the world is awash in wood. Every forest sector throughout the world produces more fibre now than local demand. Russia, in particular, is beginning to flood the market with wood, particularly wood from illegal logging operations that have a very low cost factor. That again positions hemlock very poorly going forward in a competitive environment.

In 2003 the big three forest companies on the coast made a bunch of promises to the coastal operations. Interfor, Weyerhaeuser and TimberWest all admitted that the coastal industry was slow to recognize and adapt to these changes. As the industry struggled to catch up by investing in kiln-drying technology and new products, other challenges mounted. In 2003 those big three asked for a favourable labour deal, reduction in stumpage and operating costs, loss of cut control,

removal of appurtenancy, removal of mill closure review, freedom to treat tenures like tradable commodities with no penalty.

In short, those three major companies asked for the pain to be borne by workers and communities so that they would be able to invest, and they promised a \$1 billion investment. They promised four to six new sawmills on the coast. They promised more capital in the pulp and paper sector to upgrade existing mills, to put new kilns in, to double the volume of lumber that is remanufactured into specialty products and to maintain environmental standards and a diversified tenure base.

[1050]

The reality is that Weyerhaeuser is gone from the coast. TimberWest has stated that they're interested in real estate development and not in the manufacture of products, and Interfor is divesting in British Columbia and investing in the United States. The reality is that Liberal forest policy has not positioned the coast as the promise was made.

Liberal forest policy has instead positioned us so that now we have one major player on the coast with 42 percent of the allowable cut. We have B.C. Timber Sales with over 20 percent, and we have a log market that doesn't work. The reality is that this government does not understand that it is communities and workers who have the answers, not these larger corporations.

The proof is that we are waiting for two Competition Council reports coming forward, and who sits at those tables? Only the corporations. I know that they are going to be asking for property tax reductions, PST exemptions and cheaper fibre costs — more corporate handouts in order to sustain an industry that will not be sustainable long term because the world has shifted and we're not shifting with it.

The other aspect of this is that this government has not engaged communities and workers. They are not at the table. They are not part of the dialogue. Until we engage them, we will not restructure that industry in a way that is sustainable going forward.

**R. Cantelon:** We've heard a recitation of some of the problems in the lumber industry from the member for Cariboo North. It's certainly true that the industry has not responded, has not reacted and has not brought itself to change the new market realities. But it's also true — and the member mentioned this — that this problem began not just overnight. Certainly, it began in the '80s. It began to get worse in the '90s, and it's continued to grow. We need to change the way we operate in the industry. We need to change and increase investment.

It's not so easy, though, to encourage investment, to create that kind of warm, fuzzy feeling for corporations and to create the proper business climate, but we have taken steps — urgent steps — beginning in 2001. This is not, certainly, a popular thing. It's regarded as a corporate giveaway on the other side of the House, but it was essential that we lowered, and we did lower, the

corporate tax rate from 16 percent and, recently, from 13½ percent down to 12 percent.

You have to compete for investment, investment opportunities and capital on a worldwide market, and that's what this government has done. It takes a while for these things to get the attention of the corporate investors, but that will come.

We also needed to take steps, and we have taken steps, to improve the fibre supply, because anybody investing in this industry needs to know that they have access to wood. Many changes have been done. Recently the cost-based approach for bids on timber has changed from the rather arbitrary 70 percent of the value down to a cost-based approach. We're looking at revaluing pulp log evaluations and many other specific steps, such as weight-scaling for some species and so on and so forth — all to make it easier for the log supply to get to the mills.

We've done, as I've mentioned, things to improve the investment climate. I think one of the major initiatives to engage communities.... I would agree with the other speaker. We need to engage the communities and develop community-based plans, because we do need investment.

These three companies certainly agreed that the mills we have on the coast are not effective and not efficient and that we need new capital investment. That's why the North Island-Coast Development Initiative Trust — the \$50 million fund that's been put in the hands, basically, of the community leaders — with one of the criteria being put forward as an investment vehicle for the forest industry.... I think that here's an opportunity for these municipal leaders to work with industry, to work with the workers and develop programs that perhaps can add investment leverage to investment in these much-needed mills.

We're responding on a wide variety of fronts, then, to make the log supply better and more available so that the investors in these mills can come in and know that they can have a fibre supply and to improve the broad business climate, not only in corporate but also personal income taxes, so that people have the opportunity and incentive, then, to turn their investment towards the capital required to build these new efficient mills.

[1055]

Then, of course, the specific fund will make available the opportunity for communities to engage directly with the companies, directly with labour, and develop strategies specific to their communities and their situations. I'm sure putting these things together.... It won't be a quick answer. It won't be an easy answer, because we still will face the problem with hemlock. We're going to have to have a specific strategy. It's going to require some initiative and innovation to develop kilns and drying processes that are economical to convert this large stand of hemlock to marketable timber, and we're going to face the challenges of the rising Canadian dollar.

However, we do expect that the Premier will continue to take great leadership on this softwood lumber

debate. I know he'll be engaging the new federal government to reach a better solution — not a quick solution but a better solution than we have with regard to that. I think all of these things will increase our comparative advantage. We will see a change in the lumber industry, and it will be community-driven. The government has done what it can do, and it will do more to facilitate it on a local level. So we can look forward to not a quick change, but we are very aware as part of our strategy to improve the outlook and the opportunity of the coastal lumber situation.

**B. Simpson:** I find it interesting that the member opposite can speak about making more wood available when over 65 percent of that wood is in two licensees: TimberWest, which has indicated it is getting out of the manufacturing business over time, and of course B.C. Timber Sales, which is not involved in manufacturing.

The sad reality is that we talk about innovation, we talk about new ways of doing things, we talk about community engagement, and yet everything that this government does runs counter to that. In a presentation made to all of the forest ministers across Canada, the CIBC World Markets stated the following: "Canada's rural economy is crying out for leadership." They stated that we must go beyond appointing a forest products industry advisory group with a short-term mandate. What did this government do? They appointed the Competition Council with only corporate CEOs on it.

We will not get new and innovative ideas out of that. In fact, this government keeps talking about the Canadian dollar. They keep talking about softwood. But what they don't talk about is that a rising Canadian dollar makes it much more appealing for us to invest in the United States, to buy in the United States, rather than invest here. That's what Interfor is doing. That's what Canfor is doing.

What they don't talk about with softwood is that we are trying to get the money back from the money that's held down in the United States — almost \$5 billion. What they don't talk about is: what's the strategy to make sure that the money stays here in British Columbia? Those profits that paid that and kept those companies profitable were made on the backs of communities and workers. But that discussion is not on the table.

The Truck Loggers Association conducted a poll in January of this year; 92 percent of those polled stated that it's in their communities' interests if the forest company workers harvesting timber and growing trees in the area are locally based. The poll also stated that the majority of coastal British Columbians believe that major forest companies should have less influence over the way B.C.'s forests are managed.

Everything this government has done has talked to the people who over those decades have taken the industry to the position that it's in just now, which is uncompetitiveness. They are asking the people who made us uncompetitive to figure out how to make us competitive, instead of asking the workers in the communities who know that through local management,

through local investment, we can reposition ourselves in a global economy.

A former Minister of Forests under W.A.C. Bennett, Ray Williston, made the following comment, and I believe it's as true today as it was then: "From my own observations it has not been the large companies which have been innovative in the acceptance and initiation of new ventures, but the small companies with insufficient timber resources. In fact, the less timber resource a firm has had, the greater has been the innovation introduced by the owners."

**Hon. G. Abbott:** I call second reading of Bill M202.

## Second Reading of Bills

### APOLOGY ACT

**L. Mayencourt:** It is a great pleasure to stand in this House today to talk about the Apology Act.

[1100]

This is a piece of legislation that I had the opportunity to work on last year. It was actually tabled in this past fall session, but we didn't get to it in time, so it died on the order paper. I'm delighted to be able to bring it back to this House and have an opportunity for some very thoughtful discussion around the need for the Apology Act.

The Apology Act's inspiration really comes from some legislation that was done in New South Wales. In that particular jurisdiction they introduced the apology act to be able to deal with a couple of issues. One was medical malpractice, and the second was to deal with issues around aboriginals and some of the issues that were associated with government talking to private citizens and acknowledging that they might have done something wrong.

This act is very important to me because I really believe in the power of apology. I think it's an important first step in any reconciliation effort, and that belief is bolstered by the results in New South Wales and subsequently all of the Australian states.

It has also been something that is validated as well by our own Ombudsman. I had the opportunity to speak with Howard Kushner, who has been our Ombudsman for a number of years, about the Apology Act. We got a chance to talk about why an apology is important to people. We looked at some examples of that.

We looked at the sons of Doukhobors. A couple of years ago we had the then Attorney General Geoff Plant talk about an expression of regret for the sons of Doukhobors for a time in which British Columbia took custody of their children because of their religious beliefs. For those sons of Doukhobors that came here to hear an apology, what they heard was that expression of regret, and it wasn't what they came for. Legally, that was the best that we could do. The same is true of the Jericho Hill School for the Deaf, where kids were placed in care, were subsequently abused, and government again expressed regret.

I think that when people want to say sorry, or when people have done some harm, the very natural thing for them to do is to apologize. It is the way to get to reconciliation, because it's the first step. You have to say, "Look, I've done something or I've in some way harmed you," whether that's intentional or just by accident. I think it's very important that we follow our natural instincts in doing that. When we do that, we can do great, great things.

Our government has another reason for taking a look at this piece of legislation — and I encourage them to support it — and that is our new relationships that we are trying to develop with first nations around this province. There is no doubt in my mind that there has been harm caused on our side and there has been harm caused on other sides as well. It is very important for us, as a starting place, to say: "Look, we're sorry." That is the path and the first step towards reconciliation.

In Australia when they did that, they had a national day of sorry in 2000. They had hundreds of thousands of people marching across the bridge in Sydney harbour to say sorry to aborigines, and that was the start of a healing process for them with their first nations, with their founding peoples. I can envision the possibility of us having a similar opportunity here in British Columbia where first nations from bands from across this province can walk, perhaps to Victoria, in a reconciliation walk as a way of healing some of the hurt over the last several years.

I think it's an important opportunity that we should take with this piece of legislation. I hope that members on both sides of the House will speak in favour of this piece of legislation. I know there are a number who wish to speak on it, so I will yield the floor to them.

[1105]

Thank you very much for the opportunity to be able to introduce and start debate on the Apology Act.

**C. Evans:** I am personally in favour of this legislation, and I would like to thank the Ombudsman, who I think has put the issue before us, and the member, who is making his second attempt to bring it to this room.

I was involved all through the 1990s — actually, most of my adult life, but as part of government all through the 1990s — with the issues that resulted from the incarceration of the children of the Sons of Freedom, the residential school erected in New Denver and the need for some resolution of the trauma that came from the time that some people at home in the West Kootenay call "the troubles" — similar to those in Ireland.

At one point in our region, what happened was that governments decided that an inability to resolve struggle between Canada and the sect of people known as the Sons of Freedom and also between the Sons of Freedom and the orthodox Doukhobor community itself, governments decided to capture children and separate them from their parents, and essentially bring trauma upon children for government's opinions of the deeds of their families.

Those children, now grown, are my contemporaries. They're my age. They live in my neighbourhood. I

logged with grown men who were incarcerated in New Denver as children. My children have been taught by those same people in school. So I have a personal connection with lots of this community. I have a friend whose relative was seven years old. The police came to capture the children. Her parents hid her in the haystack, and the RCMP found that seven-year-old child by poking the haystack with a pitch fork. The experience of that seven-year-old child is now embedded in the adult community where I live.

It's also true that I have relationships on the other side. The gentleman who was the school board representative who ran the school in New Denver that incarcerated the children was my friend. The man whose father lobbied the federal government to invoke the incarceration after his store was bombed was my friend. The orthodox Doukhobor leader who organized citizens to guard the Brilliant Cultural Centre for decades to keep it from being burnt down by his neighbours was also my friend.

During the 1990s we heard arguments for and against an apology from those people who felt that an apology would somehow negate the pain that their part of the community had experienced. The idea that there could be an apology without legal obligations had never come up. It opens the door, I think, to possibly resolving the issue of the apology, generally, of which I am in favour.

I like this bill because it feels to me that it's about apologizing to a generation of children — adults who were children — rather than arguing for or against the issues that had created the trauma of the government at the time. I don't think the government intends to pass this bill today, and I'm kind of happy about that because my comments here about something which is hugely important in my part of the world are limited to ten minutes. I'm hoping that there'll be a fulsome debate on this question in this building in the near future.

I also think... I'm hoping that the government means this debate today to be an exposure bill that will bring it back in the fall for a real debate, and perhaps, the passage of a real law. In the meantime, I would suggest that there are all kinds of people who should be involved in this discussion out in the world: the East Indian community because of the head tax; the Chinese community; all those children raised in residential homes; and, as the hon. member points out, the larger community of children who suffered for acts of governments in the past that we may now feel require an apology.

[1110]

Remember that I thought — and I think that everybody in this room thought as children — that South Africa would require a civil war to resolve apartheid. In fact, it came from a period of reconciliation exactly like what we're talking about — peace changing an entire society.

I am hoping we could leave this room today, go out and have a conversation with the broader communities who might be affected by this law, hear what they have to say and come back at another time to actually pass legislation that leads us to a condition where govern-



ments can apologize without creating a legal obligation.

The last thing I want to say, hon. Speaker, is: governments make mistakes. When I sat over there, I used to say I made six mistakes by lunchtime just because I got up early in the morning and I worked hard. You do the best you can to deal with the issues of the moment. If we apologize for the decisions made in this room and in Ottawa in the 1960s and '70s, I don't think that means those were bad people. I think it means that from some distance we look back and say: "You know what? Maybe that wasn't fair. Maybe it wasn't fair to that seven-year-old girl to put into her life the trauma and pain she will carry forever for troubles that were being imposed upon society by 50-year-olds."

I know that governments can make mistakes and be trying to do the right thing. The troubles in the Kootenays in the time of the Sons of Freedom and orthodox Doukhobors struggle, and the Sons of Freedom struggle against the government of Canada and the CPR and on and on were in need of resolution. But I think we can stand here 15, 20, 30 years later and say: "Why did it have to be delivered unto children, to the generation that we look to, to end trauma?"

We ought to be able to have a broad conversation with ethnic groups all over the province upon which governments imposed decisions in the past that we now regret and figure out a way to make an apology, to make reconciliation, to say: "We apologize for what happened to you. Never mind the intentions of the government of the time." Then we ought to come back to this room, on a day when we're serious about it, and pass this bill or one like it so that we can have an experience of reconciliation where I live and in all the other parts and other communities of the province where history has perhaps imposed trauma.

**D. MacKay:** I'm sorry that we've got to the stage in our lives where we have to pass legislation that will permit us to stand up and say: "I'm sorry; I apologize for something I have done." That is a sad state, in my opinion, that we actually have to have a piece of legislation that allows me to walk up to somebody and say I'm sorry for something I did, but that's where we seem to be moving. I think the fear is there because of the litigation implications when somebody does say, "I'm sorry for what I did," providing it was unintentional. That's where we're going, and I am sorry that we're going there, but regardless....

The member for Nelson-Creston spoke very passionately about the problems in the Kootenays with the Sons of Freedom and the children taken from their families. I guess we could expand that and look at the native Indians, our aboriginals in the province of British Columbia who were taken from their families and placed in residential care homes. It wasn't done out of meanness or to punish those children. It was done out of what I believe was the right thing: to educate those young people.

Yes, there were some unfortunate consequences from those residential schools, but there was also a lot

of good that came from those residential schools. So for those children that were abused while they attended the schools.... They were a small number when you look at the total number of aboriginal kids that went to those schools. It's regretful that that happened to those kids, but the intent was not there to punish those children. The intent was to educate them and not to punish them, not to punish their parents.

So for the Attorney General to stand up in this House and say it's regretful.... It is regretful what happened in those eras that the member for Nelson-Creston spoke about and for aboriginal children across this province. It's regretful what happened there. But when we talk about an apology.... We're playing with words here. To me, an apology is something that a person who commits the unintentional act should be saying to the individual. I apologize to the member for Nelson-Creston for something I've done.

[1115]

But if somebody else did something.... If we go back to the '60s or '50s, when some of these decisions were made by government — well intended — and the consequences had some bad effects on a number of young children, that, to me, is our responsibility: to say it's regretful that we had those consequences. I don't think that an apology coming from me.... I didn't do anything to those children. Now, being in the position I'm in today as an elected member, I regret what happened to those kids. What's wrong with the words "apology" and "regret"? To me, they're one and the same.

I'll get back to my comments here on the Apology Act. I do have a couple of reservations about it, and I'm going to comment on those in a moment.

You know, as humans, we all react differently given the circumstance. We may have had a bad night's sleep, and somebody says something to us. We give them a little shove, and they bang against the wall. It wasn't intentional. It was just: "I've had a bad day, and I'm tired and crabby, so don't bug me." If I do behave badly, I should be able to say to somebody: "I'm sorry. You know, I had a bad night, and I apologize for pushing you into the wall there where you hurt yourself."

Flying home on the flight the other night, I knew this Apology Act was coming up. I watched a flight attendant walking down and closing the bins over the seats there. He actually hit two passengers on the head with his elbow. It wasn't intentional. I heard him say: "I'm sorry." I thought: wow, that's great. The legislation hasn't even been passed, and we're allowing someone to say "I'm sorry" for an action. That's where we seem to be going.

We do react differently under different circumstances. I guess what I have to do is go back to my former career in the RCMP. This Apology Act, had we had it years ago, would have been a wonderful thing. I don't know how many complaints I investigated against RCMP members. Let's not forget that RCMP members are expected to react correctly 100 percent of the time. You know what? Under some of the circumstances under which those members respond and are

expected to respond, they're human and they make mistakes.

Sometimes excessive force is used, and when you use excessive force, that's a criminal matter. But it's done in the heat of the moment under a great deal of pressure, and it's always easy in hindsight to look back and say: "You probably shouldn't have done it. You shouldn't have behaved that way." But the member did.

Now I've got a complaint on my desk, as a detachment commander, from somebody who was abused with excessive force — or at least, that's the allegation. My role was to try to resolve this difference before it got into the court system. I would speak to the member, get his side of the story and get to the complainant and get their side of the story.

Yeah, in a lot of cases the member reacted improperly. Had he had the courage and the ability to say: "I'm sorry...." That's all the complainant wanted: a simple apology from the member saying: "I'm sorry for the way I behaved." But we couldn't do it. He couldn't do it because it was an admission of liability. That's why it was never done.

On one hand, I'm pleased that this legislation is coming into being, but it has broader implications. It's not just a provincial issue. When you apologize to somebody for behaviour, there are much broader implications. I'm talking about the Criminal Code. The example I just referred to, of course, was excessive force, where all the complainant wanted was an apology from the RCMP member, and the member would not apologize.

Let's just take that one step further and say that the member did apologize and said: "I'm sorry that I behaved the way I did." The complainant feels that's not sincere enough. "I don't believe you, and I'm going to charge you with assault," which the complainant has every right to do.

The way this piece of legislation is drafted today, it says: "Proceeding" means a legal proceeding other than a criminal proceeding." So this Apology Act is not going to address the problem of RCMP members who find themselves in a situation where excessive force was used or where they blew smoke in somebody's face or acted improperly — where there's a criminal act involved and, more specifically, the assault.

[1120]

If the detachment commander is able to get the member to apologize to the complainant for his excessive force in the heat of the moment and the complainant says, "Well, I don't accept that," this act now has a much broader implication because it involves the Criminal Code of Canada. It doesn't, in my view, tell me that the RCMP member's apology is going to be excluded in a criminal proceeding, because this act specifically says: "a legal proceeding other than a criminal proceeding." So it's not going to help, in my view, the policing issues that we run into every day.

Policemen across this province face some pretty extreme circumstances, and they behave properly in 99 percent of those actions or reactions to a given situa-

tion. But there is always that 1 or 2 percent where members respond in a manner that is unprofessional — just because they're human.

I think it was Pope back in the 18th century who wrote the comment: "To err is human; to forgive divine." It's really unfortunate that we're in this Legislature today having to pass a piece of legislation that allows me to walk up to somebody and say: "I'm sorry for my behaviour."

I know there are others that want to speak to this. In fairness, I will be following up on some of the issues that I raised, insofar as the policing matter is concerned, at committee stage as this bill moves forward. I now yield the floor.

**G. Hogg:** I seek leave to make an introduction.

Leave granted.

### Introductions by Members

**G. Hogg:** I had the privilege earlier this morning to meet with a dynamic group of students on behalf of the member for Delta South. I met with their teacher Miss Johnson, some committed parents and the students from Southpointe Academy. They have assured me that they know the name of the very best school in British Columbia and in fact, ironically perhaps, they pointed out that it is Southpointe Academy. I would like the House to please make them feel most welcome here today.

### Debate Continued

**S. Hammell:** I rise to speak to the private member's bill on the order paper intitled Apology Act tabled by the member for Vancouver-Burrard. In this chamber the dominant threads are governance and budgeting, laws and taxes — or the reduction of. This consumes our debates and our actions and often defines our differences and highlights the contrasts between us. Therefore, it is refreshing to focus on the simple human act of saying, "I'm sorry," and to isolate and then remove that simple act from further litigation or remuneration.

Forgiveness and reconciliation are powerful concepts. In South Africa these two concepts have been at the heart of the Truth and Reconciliation Commission's work and the rebuilding of a nation. Forgiveness and reconciliation. Being able to say, "I'm sorry," without fear of consequences, needs to be a simple remedy available to solve disputes throughout government.

Governments do make mistakes: sometimes on a grand scale, such as forcing aboriginal children into residential schools or charging only Chinese immigrants a head tax; and sometimes on a more individual scale, such as mistaking one's identity or selling off personal records.

To quote the Ombudsman's report: "When a person feels mistreated, having someone apologize for what took place often enables the person to forgive, to re-

establish the relationship and move forward." In the report to the Legislature *The Power of an Apology: Removing the Legal Barriers* the argument is made that as children, when we did something wrong or hurt someone's feelings or hurt another person, we were taught to say, "I'm sorry," not: "I regret I hurt your feelings."

[1125]

Regret is a word that has been used to date by governments due to the fear of litigation or compounding current or potential legal actions. But regret does fall short. It just doesn't quite make it. Again, to quote the report *The Power of an Apology*, in *On Apology*, the author, Lazare, explores how apologies heal broken or damaged relationships. From his own research and experience, Lazare concludes that an apology has the power to heal because it satisfies a human need. An apology can restore self-respect and dignity. An apology acknowledges that a mistake has been made and that the offending party will not repeat the action in question. It can help re-establish trust and assurance that the offending action was not the person's fault.

Lazare's research has also led him to consider the power bestowed upon the recipient of the apology, who is then able to forgive. He writes: "We experience forgiveness as a gift that releases us from the twin burdens of guilt and shame." An apology is more than an acknowledgment of an offence, together with an expression of remorse. It is an ongoing commitment by the offending party to change his or her behaviour. It is a particular way of resolving conflicts other than arguing over who is bigger or who is better. It is a powerful and constructive form of conflict resolution embedded, in modified form, in religion and in the judicial system. It is a method of social healing that has grown in importance as the way of living together on our planet undergoes radical change. It is a social act that allows a person, group or nation — where apologizing has historically been seen as weak — to now be seen as strong. It is a behaviour that requires both parties have honesty, generosity, humility, commitment and courage.

In our province, to add this legislation to the books would indeed be a step forward. I have some reservations. They largely lie around where an apology, when there has been an act of violence or sexual assault, receives the same treatment. I think we need to relook at that part and see if we can model our Apology Act closer to the New South Wales legislation.

However, having said that, I think this is an incredibly important step forward for us in this House. I think, as my colleague from Nelson-Creston has said, we now need to take this act out and have a discussion with our community, because it's the community that in the end is the recipient of the behaviour that results from the act.

In conclusion, I welcome this discussion. I think it is a positive step forward. I think there may be places to improve the legislation, and I'm looking forward to working in this Legislature to do so.

**D. Hayer:** There is little that carries more weight than an apology, so I look forward to this groundbreaking Apology Act being made into law in British

Columbia. I'd like to thank our member for Vancouver-Burrard for introducing this bill. I understand that it will be in any proceeding, other than criminal proceedings, that this Apology Act applies.

This will be the only government in Canada to enact such a law and an example that I'm certain will be followed soon by many other provinces in Canada, because this act is truly a refreshing reform in our nation's law. This legislation will remove the admission of liability when an apology is made, and it was recommended by our Ombudsman Howard Kushner to allow public servants to say they are sorry without being worried that it would be held against them in court. This legislation will be one more way that this government holds itself accountable to the people of this province. It is one more way for government to be responsible for its actions to its electorate.

[1130]

There is a great value placed on an apology for mistakes, and this legislation shows that our government understands those values. But this act isn't just for the government agencies. It will allow anyone to offer a sincere apology to address any wrongdoing and will allow people to get on with their lives.

As I'm sure many in this chamber have discovered during their lives, a simple but sincere apology — "I am sorry" — not only smoothes out family disputes but is one of the first things we teach our children as they learn to respect each other. For society itself, a sincere apology goes a long way to resolving ill feelings. By enshrining it in law, we in this province will be leading the way in avoiding what might otherwise have been bitter legal disputes. This legislation will ensure that people take responsibility for their actions when they have done wrong, and properly and promptly apologize for their mistakes.

I believe this is excellent legislation. I believe it has been needed in the law for a long while. I do believe that if people are not satisfied after the apology, they can still take action in the courts, and that if the courts see fit, they can give them the benefits of that — either some money or something else.

I support this fully and encourage every member in this House, in this chamber, to support this simple act of redress to ensure that apologies are freely given without fear of retribution. I believe it could be used in the head tax that was levied against the Chinese communities in the late 1800s and also in the *Komagata Maru*, which happened from May 23 to July 23, 1914. It could be used in that, and in many other places it could help many of our constituents who have had problems to feel satisfied that at least somebody is taking responsibility for things they have done wrong.

For too long we have used the excuse of saying, "We might be sued if we apologize" to not apologize. I support this bill, and I would like to thank the member for Vancouver-Burrard for introducing it.

**B. Ralston:** I would like to add my voice to this discussion. I thank the member for Vancouver-Burrard for bringing these issues before the legislative chamber.

Lawyers have traditionally cautioned against the giving of an apology because it carries with it implications of admission of liability at law. But we all recognize the healing power that a full, frank and sincere apology offers not only to the giver but to the receiver of the apology. It acknowledges that a mistake has been made and that the action will not be repeated. It gives the recipient of an apology the opportunity to forgive, and forgiveness can be equally powerful. When you add a sincere apology to an act of genuine forgiveness, a wrong can be righted and people can move forward.

An apology falls into the category of what is becoming an increasingly important part of political life around the globe. In his book that John Torpey called *Making Whole What Has Been Smashed: On Reparations Politics*, he situates the apology or an expression of regret within a whole series of measures that have taken place around the globe to bring justice to people for what has taken place that is wrong in the past. He talks of transitional justice in Latin America and in South Africa where, through a combination of trials, truth commissions — which are proceedings without a finding of guilt or innocence — or indeed processes whereby certain public officials are banned from holding public office for a certain period of time.... There is a whole international debate about reparation politics, in that sense, in that aspect.

Compensation is another area in which reparation politics operate, and I will have more to say about compensation momentarily, because it is often associated with an apology. Sometimes people are of the view that a simple apology without monetary compensation is an empty gesture.

[1135]

Finally, where this issue of reparation politics has become increasingly prominent is in the area of what the author calls "communicative history." That's the issue of memorials or recollections in memory. One thinks of the Holocaust memorial in Berlin or the Maya Lin sculpture to the combatants in the Vietnam War, which was unveiled in Washington, D.C. a few years ago. There is an attempt through the act of memory, through thinking about what has happened, to bring a sense of justice to acts that have taken place in the past that are wrong.

I think it's important to bear in mind that this bill really, in its wording, deals with individual acts of apology, although reference in the debate has been made to collective apologies on behalf of government. If I had a concern about the bill, it's perhaps that it's not clear enough in its application in that respect. I appreciate that the member is bringing this forward for the first time, but it's not entirely clear in the bill that it does apply, as the Ombudsman suggests, to the opportunity for public agencies — public officials — to give an apology. That again can be a powerful assistance in giving people a sense that government understands, that government is prepared to acknowledge its mistakes and move forward.

The specific example that I would like to close with is the example of the Japanese Canadian redress

movement. Members will perhaps recall that on September 22, 1988, Brian Mulroney, then Prime Minister, made a formal apology to those Japanese Canadians who were interned during the Second World War. That was also accompanied by a voluntary payment to each survivor of \$21,000 of compensation.

There was a debate within the redress movement, both in the Japanese American redress movement and the Japanese Canadian redress movement, about the value of monetary compensation. I think it was decided that monetary compensation is really a symbolic substitute for the loss of time, dignity and privacy. Really, no amount of money can fully compensate for all those losses to the human person and condition by the actions that were taken in the Second World War, both on the American side and on the Canadian side of the border.

On the other hand, there was also a sense that it wasn't really all about the money. Art Miki, who was the most prominent leader of the Japanese Canadian redress movement, said: "Money was not so important. At one point, money didn't matter so much because a lot of people never expected it." What they found value in — and Mr. Miki, speaking on behalf of the Japanese Canadian redress movement — was that it was the government's acknowledgment of wrongdoing, and acceptance of responsibility became the paramount issue for many members of that community.

I applaud the member for Vancouver-Burrard for bringing this forward. I think it initiates an important debate about the ability of government to act in this way, which can only bring about a greater sense of justice for all of us here in British Columbia.

**R. Hawes:** I'd like to start, as others have, by thanking the member for Vancouver-Burrard for bringing this forward.

I sincerely believe that this is maybe one of the more important pieces of legislation that we could be talking about in this Legislature at this time. With all due respect to the lawyers among us, over time we've lost some ability to communicate with each other. I thank the member for Surrey-Whalley for pointing out that this act doesn't just deal with public apologies. This also applies to private individuals. This applies across the board.

[1140]

I know there are many situations that occur in this province where a simple apology would stop further action. Whether it be at a human rights tribunal or whether it be in a law court, many situations that are going to involve further actions can be averted because people are just simply able to communicate with each other and now can't because, frankly, maybe we listen to our lawyers more than we listen to each other. That does stop communication in some situations.

I think this is a great piece of legislation. I think of a former career where I worked for many years in a bank, and I learned very early in that career that one of the easiest ways to disarm somebody who is very angry is to simply say: "I'm sorry. You're right. I'm sorry."

Somebody who is just fuming and wanting to yell and scream has no comeback. Once you say, "I'm sorry; you're right," what more is to be said?

I can think of situations in my personal life, in business, where people have said: "Thank you for apologizing. You know, if you hadn't apologized, I would have looked at a lawsuit." I hear that an awful lot. I hear a lot of people say: "I had no interest in taking some kind of legal action or taking this any further, but you know, that so-and-so who did that didn't have the courtesy of even saying he was sorry." It could well be that that so-and-so who did whatever was being advised by their lawyer: "Don't say anything."

This act takes that all out of the way and allows people to communicate with each other. From that standpoint, I think this is a very, very important piece of legislation. I really welcome this enhancement in our ability as people to talk to each other, to maybe use this to allow us to remove some of the anger that exists between people all over the province.

There are situations where the public body should be apologizing for its actions. I'm a part of a government today, but the government is the government, and it goes on forever, so the actions that happened in 1940, frankly, I feel partly responsible for as a part of government. If government did something in 1940, we're still the government. We should be apologizing for it if it was a wrong. I'm quite pleased to see this go ahead, if it goes ahead, and I'm very hopeful. I do believe there are instances where the public body does need to come out and sincerely apologize because there have been wrongs done over time by government, by other public bodies, by churches, by.... Well, you name it.

We're all familiar with many of the real atrocities, and I think the ability to make a sincere apology for those is pretty important. The fact that we'd be stopped from doing so by the advice we receive from lawyers, frankly, is not something that I'm all that happy with. I am very happy that this act would address that.

I know there are lots of people who want to speak to this. I can only urge the member to keep pushing to have this bill go a little bit further. I'm sure we're not going to vote on it today, but I'm sincerely hopeful that the government will bring it forward and that we will have the fulsome debate that the member for Nelson-Creston spoke about.

I think it's an important thing for this House to engage in, so thank you for the opportunity, Madam Speaker.

**L. Krog:** Notwithstanding my profession, I will not take any offence from the remarks made by anyone in this chamber this morning casting aspersions on the legal profession.

[Mr. Speaker in the chair.]

**R. Hawes:** I'm sorry.

**L. Krog:** I hear an "I'm sorry," and I'm delighted to receive it.

However, this bill, in fairness, does take a poke at my profession. It is a poke that wasn't created so much by my profession but by our whole judicial system over hundreds of years, and that is the concept that when one admits liability, one must be prepared to accept liability. If anything — and this might come as a surprise to the members opposite and indeed to some of my own colleagues — I happen to think that this is a first-class attempt at bringing into public discussion a very important concept.

[1145]

My one regret, and I will start with a brief criticism of the bill, is the fact that it does not on the face of it, I would respectfully suggest — giving a free legal opinion here this morning — apply to government. Quite frankly, for me to support this bill, it would be important to ensure that it was expanded to include government. As the speaker immediately previous to me indicated — the member for Maple Ridge-Mission — governments carry on, and we are nothing more here.... Perhaps I shouldn't phrase it quite that way. We are certainly the representatives of the people. We are the state, we are the collective, we are everybody, and our responsibilities will exist, one would hope, well into the future. So it's entirely appropriate for governments to apologize. I think it is a great method to bring about reconciliation in our society.

Other members this morning have spoken about the Truth and Reconciliation Commission in South Africa. When you consider the history of that nation and the bloodbath that could have been expected to follow the collapse of the apartheid system, I must say that if I were rating nations on a one-to-ten scale, no nation on the face of the earth today would deserve more credit for showing the most incredibly civilized, modern and compassionate attitude to a long and troubled history than that of the South African people.

My friend the member for Nelson-Creston talked about the Sons of Freedom. Where I was raised, there was a significant community many years ago, and many of them left. There was a significant Japanese Canadian community who disappeared during the Second World War — headed off to internment camps. Those kinds of apologies are absolutely appropriate. We must never be afraid to stand up and apologize.

But I'm going to say an "I'm sorry" before I get to the next stage of what I'm about to say. I'm going to apologize to half the people of the earth — those of the male gender — because I would suggest to this chamber that the concept of apologizing is not one that comes to men as easily as it does to women. Indeed, I doubt very much that it was a woman who came up with the phrase: "Never complain; never explain," or "Shoot first and ask questions later." With great respect, it has been men who have led us into war. It is men who have pushed us into all kinds of situations historically for which, now, modern people of either gender would happily stand up and say: "You know what? We are sorry."

I would suggest to this House that we would be far further down this road if this chamber had more

women sitting in it as opposed to — with great respect — a great deal of men. So I want to offer an apology this morning. I want to offer an apology to all of those women who for various reasons — as a result of our political process, of the way we select candidates, of all the things that my gender has done throughout history.... I want to offer an apology to them, because there are places in the world where women today have no opportunity to move into the political process because they are living in societies controlled by men — men who won't admit they're wrong, men who won't admit they're doing something that is incredibly stupid.

I want to conclude by saying: my compliments to the member for Vancouver-Burrard. This is an important concept. This is a concept whose time is long overdue, and it is my sincere hope, to echo the words of one of the previous speakers, that we will have a much fuller and open and long debate on this process. I hope that if this bill proceeds or the government decides to take it on its own initiative at some point, it will include the government and it will include public agencies because, as the saying goes, it's never too late to say you're sorry.

**J. Yap:** It's my pleasure and a privilege to rise to speak in support of this bill. I, too, want to offer my thanks to the member for Vancouver-Burrard for working on this bill and bringing it forward.

[1150]

As the member for Surrey-Green Timbers said in her presentation, this is a unique piece of legislation. It deals with such a simple yet critical concept in the whole area of human relations. I am very pleased that we are taking this opportunity, as legislators, to engage in this dialogue and look forward to it continuing from today.

This legislation, if it proceeds, will be groundbreaking and will be very innovative. As I understand it, there is no such legislation anywhere in Canada. We will be the first to introduce it, which really will be refreshing and, as has been mentioned by previous speakers, somewhat overdue.

The act of contrition or being contrite, according to Webster's dictionary, is to be grieving and penitent for sin or shortcoming. I looked it up in the synonym check on my computer, and contrition is synonymous with remorseful, repentant, sorry.

Being contrite should not mean that you are liable. I believe it was the member for Maple Ridge-Mission who said that we've lost along the way our ability to talk to each other. My hope is that with this legislation and the dialogue we're beginning here, and hopefully with the passage of this legislation, we will be able to do just that without being shackled by the requirements of the legal system.

We do live in a more competitive and complex society. Canadians are becoming more litigious, and it's my hope that we not become even more litigious. This legislation, enshrining in law the ability to say, "I'm sorry; I apologize" without necessarily incurring a legal liability and responsibility, would help this cause.

Litigation has its place, of course — with great respect to my friends and colleagues in the legal profession. The whole point is to achieve justice for an injured party, but I submit, as others have, that an apology can help with the process of healing and can make an injured party feel better, and can help facilitate closure and perhaps resolution.

We want to ensure, of course, that the rights of individuals are preserved to seek reparations or damages, should we pass this legislation, as individuals should rightly still be able to seek recovery for damages arising from liability. But we as individuals should be able to say, "I am sorry" or "I apologize," without admitting legal liability or responsibility.

I'm sure all members can relate to examples from each of their lives of the power of apology, of saying sorry — whether it's in business life, volunteer life or family life. Like the member for Maple Ridge-Mission, I too had the opportunity to spend a good part of my life previous to this House in the financial services industry, in banking. I remember many times, when encountered with a highly irate, very annoyed, very angry customer who had received poor service or had been wronged in some way, that the simple act of saying, "I'm sorry" was very powerful and was a great way to start the reconciliation process of repairing that damaged relationship between a service provider — a bank — and its customer.

I'm sure we all have experiences from family life. I know I do, with my two young children. Well, they're not so young now; they're teenagers. As a parent, always encouraging my two children to apologize for any wrongs or errors or for the simple act of being mean to each other.... I'm sure we all — those of us who have the privilege of being parents — can relate to that.

[1155]

Governments, too, can and need to engage in apology without necessarily incurring a legal liability and a financial liability. A number of examples have been named, whether it's in New South Wales, Australia, or in South Africa or here in British Columbia with the Sons of Freedom children or the first nations residential schools. Several examples — and I would hope, as pointed out by the member for Nanaimo, that this legislation will cover not just individuals and non-government agencies but also governments.

Of course, the head tax has been mentioned — this tax that was levied by the government of Canada between the 1880s and 1920s only on Chinese immigrants. This whole area was debated during the last federal election with varied opinions about whether an apology could be made. If there was such legislation at the federal level, it would have been a no-brainer. An apology would be offered.

It has been said that an apology has a therapeutic effect, that it helps a person who has been wronged feel good at an internal level, and I believe that to be the case. There's something very powerful and very therapeutic about hearing someone take ownership of a wrong that's been done and saying: "I'm sorry." Of

course, an apology needs to be sincere. It cannot be a form letter or cursory apology. It has to come from the heart and has to be meaningful.

I believe that an apology at any level — whether it is between individuals, between organizations or between a government and its citizens — can help with the resolution of many disputes and will be an important step in mediation. If an apology can be legally expressed without implying legal liability, I believe that we as a society will be the better for it, because people who have been wronged can begin the process of moving on with their lives. I support this private member's bill and look forward to the continuing discussion and debates on this.

**Mr. Speaker:** Noting the hour, member.

**H. Bains:** I rise to speak on this bill, and I'd like to give a little different perspective. I will be the only one saying there are some serious concerns about this bill. I don't disagree with the principle. I don't disagree with the concept. I think it is a good principle to have what's being said by previous speakers, and I think it is a good concept.

I do believe the time comes when parties need to sit down and decide: "Look, let the healing process start, the reconciliation start." I think that is a noble cause, a noble thought behind the bill, and I agree with that. Having said that, I come from a community that has been the subject of the wrongdoing of government in the past. The Chinese community went through it. People of India went through it.

Legislation was passed in this chamber and all across Canada to deny entry to those people from India to come to Canada. These were not just mistakes of the government. They were not legislation passed inadvertently. They were calculated, and they were decided on. They at that time decided that the people of India were not welcome, and they made it difficult for people of China to come to Canada.

[1200]

Why? There's no other rationale or reason behind it than they were from India and from China and not

welcome in this country. For 40 years the people of India were denied the right to citizenship by legislation passed in this Legislature and in Ottawa. For us to say today that the only action the government should take is to say sorry to those folks and say sorry to the Chinese Canadians who had head tax only because they were Chinese, and remove ourselves from the liability that is attached to it, I think, is a mistake.

That is my concern — concern that, I agree, needs to be taken into those communities that were affected by these legislations of the past and more affected by the wrongdoings of the past. I agree, as speakers have said here before, that no money will ever redress the issues of Japanese Canadians. No money will ever remove the pain and suffering that those citizens before us suffered because they were denied the right to vote and citizenship just because they were from India.

I think those are the issues that we must take to those communities and have a real discussion with those communities, because in my view, the redresses are twofold. One is an apology. Another is, maybe, a token of something to say: "Look, we are sorry, but here's a token of our appreciation that wrongs were done, and we accept that."

As a result, we're not voting here today, and I'm glad. We need to have discussion in the communities. Let's have their input and then have a full discussion in this chamber, because as it is today, I would be opposing it. I move adjournment of the debate.

H. Bains moved adjournment of debate.

Motion approved.

Hon. G. Abbott moved adjournment of the House.

Motion approved.

**Mr. Speaker:** This House stands adjourned until two o'clock this afternoon.

The House adjourned at 12:02 p.m.





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