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SECOND SESSION, 38TH PARLIAMENT

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THURSDAY, NOVEMBER 23, 2006

The House met at 10:03 a.m.

[Mr. Speaker in the chair.]

Prayers.

**Standing Order 35
(Speaker's Ruling)**

Mr. Speaker: Hon. Members, yesterday the member for Vancouver–Mount Pleasant sought to move adjournment of the House under Standing Order 35 to discuss a definite matter of urgent public importance, namely, the need to increase the shelter portion for welfare recipients to address the growing homeless crisis in British Columbia.

The determination of whether a matter comes within the parameters of Standing Order 35 involves the finding that the business of the House should be set aside to consider the matter raised. I have carefully considered the member's statement as well as the response from the Government House Leader.

An examination of *Hansard* reveals that the issues surrounding homelessness have been the subject of ongoing numerous debates during the session in Committee of Supply, during Address in Reply to the Speech from the Throne, during oral questions, statements by members and private members' statements.

[1005]

The ongoing nature of the matter raised by the hon. member has an effect of excluding the matter from the scope of Standing Order 35. The words "urgent" and "public importance," as stated in Standing Order 35, suggest a sudden, unexpected occurrence — i.e., an essential element of suddenness. The emergence of new information — namely, the release this week of a survey on homelessness and street disorder — is not in itself a matter of urgency.

The Chair is also satisfied that the members have availed themselves of the numerous parliamentary opportunities during this session for raising and debating the matter. While the Chair recognizes the seriousness of homelessness and its consequences in British Columbia, the hon. member's application under Standing Order 35 cannot, however, succeed.

**Point of Privilege
(continued)**

Hon. J. Les: I rise this morning to respond to a point of privilege. Yesterday it was alleged by the Leader of the Opposition that I knowingly misled the House when I stated that the B.C. Coroners Service had a clear legislative mandate to conduct child death reviews.

The Coroners Act gives the chief coroner clear authority to review all child deaths in the province and to make any recommendations that he feels are appropriate. Section 3(2)(f) of the act states that the chief coroner must perform any duties assigned to him under the act by the Solicitor General.

As per the recommendations issued by Jane Morley in 2002, responsibility for reviewing all child deaths in the province was transferred to the B.C. Coroners Service, effective January 1, 2003. In addition, the B.C. Coroners Service has entered into a number of agreements with agencies like the Vital Statistics Agency so that all child deaths in the province are reported to the B.C. Coroners Service.

Section 15 of the Coroners Act gives the Coroners Service authority to obtain all documents necessary to conduct child death reviews. Information obtained by the Coroners Service is kept confidential under general protection-of-privacy provisions of the Freedom of Information and Protection of Privacy Act. Section 60 also prohibits the coroner from disclosing information transferred from the previous Children's Commission.

The Leader of the Opposition also alleged that I knowingly misled the House when I expressed confidence in the existing child death review process for cases that extended beyond 2003. I also stand by the statements I made in that case, Mr. Speaker.

The child death review unit within the Coroners Service has reviewed every child death in the province since January 1, 2003, when it assumed responsibility for this task. It has produced two comprehensive reports on the aggregate reviews completed by the unit since 2003, and a third report will be released shortly. In March of 2005 the government made it clear, through media and other public discourse, that public reporting was essential to the functioning of the child death review unit and allocated an additional \$1.4 million to the Coroners Service, a significant portion of which went towards enhancing the work of the child death review unit, including a full review of ongoing files and public reporting.

Last fall, when I was asked questions by the opposition on the standard of reviews and status of reviews since 2003, I was in a position to make clear my confidence in the process as professional and appropriate. I should note that the hon. Ted Hughes also commented very favourably on the existing child death review process in his recent report. In short, I stand by the comments that I made in this House and continue to express my full support for the ongoing work of the child death review unit and the larger objectives of protecting children in our province, which is clearly evidenced by government in recalling the House to appoint the new child and youth representative.

Mr. Speaker, as you know, established practice dictates that in order to establish a breach of privilege or contempt, there must be some prima facie evidence that a member deliberately misled this House. It has been well documented in the *Journals* of this House on June 8, 1982, May 5, 1988, April 19, 1999, and March 23, 2004, that an allegation of a misleading answer does not constitute a valid question of privilege unless there is clear evidence that a member has deliberately provided misleading information.

Similarly, a dispute as to allegations of fact, such as contradictory documentary evidence, does not amount

to a matter of privilege. The reference is *Parliamentary Practice in British Columbia*, the third edition, page 295.

[1010]

Contrary to the allegations of the opposition leader, it is clear both that the Coroners Act provides the necessary authority for the Coroners Service to review child deaths in the province and that the existing child death review process within the Coroners Service has completed secondary reviews of all child deaths since January 2003.

I submit therefore, Mr. Speaker, that this breach of privilege motion amounts to no more than an extremely limited and incomplete understanding by the opposition of the provisions of the current coroner's legislation and a refusal to recognize the ongoing work of the child death review unit, as evidenced in its report of June 20, 2006.

Mr. Speaker: Thank you, Minister. I'll take that under advisement with both sides now.

Reports from Committees

J. Rustad: I ask leave of the House to suspend the rules to permit the moving of a motion to adopt the report, which includes the committee's unanimous recommendation to appoint Mary Ellen Turpel-Lafond as B.C.'s first Representative for Children and Youth.

Leave not granted.

Orders of the Day

Hon. M. de Jong moved adjournment of the House.

Motion approved.

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

The House adjourned at 10:12 a.m.

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