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LEGISLATIVE ASSEMBLY
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THE HONOURABLE BILL BARISOFF, SPEAKER

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LIEUTENANT-GOVERNOR
Her Honour the Honourable Iona V. Campagnolo, CM, OBC

SECOND SESSION, 38TH PARLIAMENT

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Honourable Bill Barisoff

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MONDAY, MAY 15, 2006

The House met at 2:03 p.m.

Introductions by Members

Hon. R. Thorpe: I'd like to introduce to the House Dan and Lynn Friesen, longtime residents of Oliver, British Columbia. Dan and Lynn are in Victoria to attend a pharmacy convention. Tonight Dan is going to be presented with the prestigious award awarded by the association of pharmacists, and there is only one awarded in each province of Canada. Would the members of the House please make Dan and Lynn feel very welcome here in Victoria.

Hon. G. Campbell: It's my pleasure to introduce a group of grade eight honours students from Kitsilano Secondary School in the House today. These 17 students, along with their social studies teacher Craig Brumwell and several parent chaperones, are here to experience some of the traditions that take place in the House. I should tell you that in Kitsilano the phrase *fiat lux*, which translates into "Let there be light," is part of their school motto. I hope that as we go through whatever we go through today, there will be at least some light shed on the issues that confront the people of British Columbia.

[1405]

V. Roddick: In the gallery today are 11 members of South Delta ProBus club: Don and Noreen Watson, Ted Tristis, Jean Cobon, Diane Axford, Charlie and Jean Poole, Grace Roblin, Paul and Olive Sansom, and Joe Oatway. ProBus clubs, sponsored by Rotary, are organizations for any man or woman who has retired from their profession or business, hence "pro"fessional, "bus"iness. These clubs are not service organizations but fellowship groups that provide social events, guest speakers and field trips such as today in order to remain connected with current issues and affairs in their communities. Would the House please make them feel very welcome.

Hon. G. Campbell: Joining us in the precincts today are the mayor of the city of Vancouver, Sam Sullivan, and Councillor Kim Capri. I hope that we will all make them welcome as they do the rounds and chat about the future of Vancouver and what we can do in partnership with the city.

H. Bloy: I'm really pleased to stand today; I have a special greeting that I want to send. It's to my dad. He turns 92 years of age today. My dad, I know, is watching. He's a regular watcher of this. He has always supported me and encouraged me in everything I do. Some members might find it hard to believe, but he hasn't always agreed with what I do. But he encourages and supports me every day. I just want to tell him how much I love him and ask the House to wish him a happy birthday with me.

J. Rustad: It's my pleasure today to introduce two people. The first is Mike Dennis, an optometrist in Prince George. He's very active in his profession both

locally and provincially, and he's also a very good community supporter. Would the House please make him welcome.

Also, today I have the pleasure to introduce the love of my life, a person who has been extremely supportive and without whom I would certainly not be here in the House today. I would like the House to please make welcome my wife Kim Royle.

Tributes

B.C. COUNCIL FOR FAMILIES

Hon. S. Hagen: I rise to ask this House to join me in recognizing today as International Family Day. This year's theme is: "Changing families: challenges and opportunities." We all need to be flexible and fluid with the changing face of what constitutes a family and recognize that different family structures require different support structures. The province recognizes these changes, and we will continue to provide the resources and support necessary for healthy children and healthy families. One very significant way to do that is by supporting those who provide child care services and provide a safe and supportive environment for our children.

In conjunction with Child Care Provider Appreciation Day in B.C., we've just provided the B.C. Council for Families with more than \$2 million in grants to help them continue their work to help strengthen and support families across the province. Please join me in recognizing the valuable contribution this organization makes to thousands of B.C. families every year and has made for 29 years.

Introductions by Members

Hon. L. Reid: We're joined in the gallery today by Everett and Deborah Baker, currently of Abbotsford but previously of Richmond. I would ask the House to please make them welcome. They've done an outstanding job for British Columbians.

Tributes

CHILD CARE PROVIDERS

Hon. L. Reid: I would like to acknowledge today as Child Care Provider Appreciation Day. We will know, all of us present today, that child caregivers come in many forms — from grandparents to early childhood educators to family caregivers, teachers and, of course, parents themselves. As a mother, I know the importance of all those who are involved in caring for a child. Today is the day to say thank you and to honour those individuals.

As a former special education teacher and someone dedicated to the principles of early childhood development, I know how important caregivers are in ensuring our youngest citizens have the strongest possible start. Children grow up so fast and learn every minute. That's why I, too, am proud to support Child Care Provider Appreciation Day. Child care providers nurture our future citizens. The more society can provide to

child care providers, the stronger the start they can give our children. Please join me in thanking everyone who provides child care to the families of British Columbia.

[1410]

BURNABY EXPRESS HOCKEY TEAM

H. Bloy: There's another champion in the city of Burnaby I want to announce today. Over the weekend the Burnaby Express won the Royal Cup, the national Canadian hockey championship. But Darcy Rota, president of the team and leader, said their biggest accomplishment and how they measure the success of the hockey season at the end of the year.... "The winning of the championship is great, but how many scholarships did we get for young hockey players to continue their education?" I'd like the House to join me in congratulating the new Canadian champions.

Introductions by Members

Hon. R. Thorpe: Today joining us in the House are staff from my ministry who have worked diligently on behalf of all British Columbians as we've recently concluded 18 Small Business Roundtables throughout the province. Would the House please welcome and thank Simone Decosse, Darryl Soper, Sean Gadsby, Bridget Minishka, Aureleo Reyes, Lara Delo and Lisa Tees.

Statements (Standing Order 25b)

MINING IN B.C.

R. Cantelon: British Columbia has a rich history of mining, particularly on Vancouver Island. My riding of Nanaimo benefited immensely by the hard work done by miners, and the people who made up the industry played a key role in the development of the mid-Island.

Some may think the time for mining has passed. That's simply not true. In our world today mining continues to play a vital role, from computers to toothpaste to pacemakers. The extraction of these resources is needed to provide the services and the lifestyle we want. As a society we may not realize it, but mining keeps us going and growing.

There are old stereotypes, however, about mining being unsafe — stereotypes that seem to die hard. The facts show something different. Even though we've increased mining activity, the sector has been the safest industry in British Columbia eight out of the last ten years, and over the last ten years the accident rate has dropped by 85 percent. The Hillsborough development group, mining on north Vancouver Island, just yesterday won an award for safety.

What hasn't changed is the nature of the industry. It's still dynamic, it's still entrepreneurial, and the companies understand that they must also earn their social licence.

Here on Vancouver Island, Polaris Minerals has been leading the way in bringing communities and first

nations together for the benefit of everyone. The company is developing two aggregate operations, one near Port McNeill and one near Port Alberni. In both cases they've engaged first nations and have taken them on as partners in the venture. The template they have developed is a model for how the industry must now earn its social licence along with its mine licence. They're doing it right, and everyone will benefit from the inclusive approach they've taken.

This is Mining Week in B.C. The industry has offered much in the past in making B.C. what it is. I ask the House to pay tribute to this industry that is alive, growing and ready to make an even larger contribution.

MENTAL ILLNESS

C. Wyse: On the weekend my wife and I were asked to address the participants at a community's Relay for Life, an event that raises money for and awareness of cancer. We were asked to speak because our son died of leukemia.

As I looked over the faces of nearly 1,000 people on Friday night, I realized that like many other communities across B.C., we were all there together to fight cancer, a disease that affects our physical health. But where, I thought, was the large-scale fundraising event that brings money and community awareness to mental illness?

Although our daughter lives with bipolar disorder, I have never been asked to speak at any fundraising events for this condition. How is it that the physical diseases that affect us are more worthy of a public profile than the mental illnesses that are equally devastating?

Last week the federal government released its final report on mental health, mental illness and addictions. The author of the report, Senator Michael Kirby, states: "I was shocked by how fragmented our system of mental health is and saddened by the effect of that fragmentation on persons living with mental illness." While 800,000 British Columbians are affected by mental illness, there is no coordinated, comprehensive plan to deliver medical and support services to these citizens. In his report Senator Kirby states: "There should be parity between serious physical illness and serious mental illness."

[1415]

In B.C. no group or individual has been assigned responsibility to advocate for persons with mental illness. Therefore, the responsibility for people with mental illness lies with us — the MLAs. I challenge this Legislature to lead Canada in providing the financial and human resources necessary to ensure that our citizens who live with bipolar disorder and other mental illnesses are accorded the same support as those citizens who suffer from cancer and other physical illnesses.

MOTORCYCLISTS' FUNDRAISER FOR LITERACY

I. Black: It's an honour to rise today to give all members of this House an invitation, well in advance, to an event taking place in the early fall. I invite all

members to take part in the seventh annual Hogwild About Reading on Sunday, September 24, 2006.

Last year the Hogwild About Reading ride, held in my riding of Port Moody–Westwood, hosted 135 motorcyclists who rode their hogs from Port Moody for the two-hour ride up the Fraser Valley to Harrison Hot Springs in support of a cause that all members of this House support: literacy. Principal Ross Davidson of my riding's Scott Creek Middle School started Hogwild About Reading seven years ago, not only to provide a fun ride for motorcycle enthusiasts but also to promote reading and to raise funds to purchase new books for libraries within school district 43.

What began in 2000 with just seven riders now has become an impressive event in the Tri-Cities. This past year, with help from 19 sponsors, Hogwild About Reading raised over \$6,000 in cash donations along with over 700 new books donated. Teacher-librarians within the Coquitlam school district ensure the money raised and books donated are distributed evenly among all schools within the district so that resources are freed up to make further additions for school libraries.

This fall Hogwild About Reading has expanded and will be taking place not only in my home riding of Port Moody–Westwood but also in the great communities of Burns Lake, Surrey and Vernon, led by school principals in those areas. I'm also delighted to advise that Literacy Now, one of the many great initiatives contained within 2010 Legacies Now, is also a sponsor of this year's ride.

I implore all members of the House to join with teachers, administrators, school staff, trustees, motorcycle enthusiasts and parents to come together in support of reading. Please join me in saluting the leadership of Principal Ross Davidson and all those who participated in Hogwild About Reading in the past and all those who will be riding the hogs on Sunday, September 24.

CAMPBELL RIVER CHILDREN'S CHOIR

C. Trevena: I'd like to tell the House about the Campbell River Children's Choir. Last weekend they held their spring concert. It's a superb group, and I don't just say that because I'm the MLA for the city. I say it because this choir of 47 young people has gained international renown.

Two years ago it sang in an international festival in Cuba. As a result of that, it was invited to submit an audition tape for an international choral festival in England. The Campbell River Children's Choir will be the only Canadian choir to participate in this festival, joining children's choirs from around the world in Canterbury, Kent and London, England. In all, 450 voices will be heard in that festival at the end of July. It isn't a competition — in fact, the choir doesn't compete with others — but being invited to participate with only ten or so other choirs from around the world is already a prize.

The Campbell River youngsters will, of course, be singing, and they'll be participating in workshops and enjoying music for seven or eight hours a day for the

two weeks they're there. They will be learning new styles of music and making new friends.

Not all the Campbell River Children's Choir will be able to attend the festival. It's in the summer, and some already had family commitments. It has also taken a great deal of fundraising, with a cost of \$3,500 for each young person to attend. But those who are going are doing so with pride and the knowledge they're part of a larger body.

The Campbell River Children's Choir will make their voices heard in places ancient and modern, taking the young spirit of Campbell River to Canterbury Cathedral, whose thousand-year-old stones and vaulting arches are a perfect setting for the glories of their choral music.

FIRST DOLLAR ALLIANCE

V. Roddick: I recently had the pleasure of attending a very inspiring conference in 100 Mile House with the First Dollar Alliance, a grassroots organization made up of hardworking B.C. resource workers and their families. Run largely by women, First Dollar Alliance is made up of workers, suppliers, families and other supporters that make the first dollar that fuels the rest of the provincial economy.

[1420]

These folks are supporting the very important work of taking our natural resources: lumber, mining, agriculture — we still have to eat to live — fishing, oil and gas.... Through their efforts, they're giving these resources economic value by developing them into something that the province and the world needs.

They fuel an entire provincial economy that stretches from rural locations — Campbell River, Port Hardy, Dawson Creek, Fort St. John, Prince George, Williams Lake, Kamloops and Cranbrook — all the way to the downtowns of Vancouver and Victoria. It's that long economic chain that results in jobs not only in rural B.C. but in the office towers, shopping centres, hotels and restaurants of the large urban centres in the lower mainland. It is that long economic chain, stretching from the rural community to the urban city to the international marketplace, that provides B.C. with its world-renowned quality of life.

You can expect to hear more from this very determined group as it continues to raise awareness of the importance of rural communities to our larger cities. I'm sure all of us in this House wish First Dollar Alliance the very best success as they continue to bridge our urban-rural divide.

YOUTH REPRESENTATION IN B.C.

S. Fraser: I rise today in recognition of the importance of our youth and of the issues that are priorities to our young people in B.C. I can't help but notice that none of us are getting any younger in these chambers, and I believe it is wise for all of us to make sure that we visit the schools within our own constituencies and encourage those students to come and visit these chambers in this building.

Last year I attended Brian Lavery's grade 11 socials class at ADSS in Port Alberni — Port Alberni, I dare say, known as Hockeyville. Go, Bulldogs, go. But I digress, hon. Speaker.

I will soon be returning to Brian's class to continue my education. Decisions we make here affect the lives of young people and their future. They are woefully underrepresented in these chambers, and they are poorly represented at the polls, as all of us know. In the age groups from 18 to 25 we're seeing a disenfranchisement of our young people at the polls and in our political system.

In my last visit to ADSS we discussed ways to fix that. One suggestion that arose, and I've discussed it with some of my colleagues here, is to lower the voting age. That sparked some interesting and deep conversations amongst the students at Brian's class. Should a 16- or 17-year-old have the right to cast a vote to take part in a democratic system? And will that help enfranchise our youth in the system? Maybe it would. Maybe we in this House should be having that debate. I know when I go back to Brian's class before they rise for the season, we will continue to have that debate and that discussion.

Oral Questions

CHILD DEATH REVIEWS

C. James: Last fall the Premier and Solicitor General repeatedly told this House that secondary child death reviews were taking place. They said all child deaths were properly investigated. At the same time the B.C. Coroners Service was quietly telling a different story to international academics. Routine reviews were not taking place.

My question is to the Solicitor General. Can he explain why two major international studies completely contradict everything he said about child death reviews?

[1425]

Hon. J. Les: I want to be very clear once again, as I believe I was last fall, that all child deaths in British Columbia are properly reviewed — every single one of them. They are reviewed by medical personnel, and they're reviewed by law enforcement agencies, as appropriate in each of those cases.

What was at issue last fall was the secondary child death review process, and in fact, those secondary processes were underway. In the current context, there was certainly an issue around files that were involved in the transition process from the former Children's Commission to the child death review unit at the coroner's office, but I think those issues have all been thoroughly canvassed. We are carrying on with those files that were misplaced, and that work is ongoing. Those reports will be available in the fall.

Mr. Speaker: The Leader of the Opposition has a supplemental.

C. James: The minister's comments are completely contradictory to comments from the Coroners Service. I would like to quote from one of those studies from Scotland, published in September 2005. One of the key findings of this report is that "...reviews do not routinely take place, and those that do are often triggered by high-profile media attention."

That was a comment directly after consultation with the B.C. Coroners Service. Compare that to the comments from the Solicitor General in 2005: "Those reviews have been done." Again, my question to the Solicitor General: can he please explain why his comments are completely contradicted by the coroner's office comments?

Hon. J. Les: It's interesting that the Leader of the Opposition gets her research either in the headlines of the *Vancouver Sun* or somewhere in Scotland. These issues have been very thoroughly canvassed right here in British Columbia, most recently by the hon. Ted Hughes, who, I think, notes with approval the review processes that we have underway in British Columbia and expresses his satisfaction that those files are being appropriately reviewed. I would hope that the opposition would take note of those comments as well.

Mr. Speaker: The Leader of the Opposition has a further supplemental.

C. James: I would certainly hope that the minister is paying attention to international studies that are quoting British Columbia and what's going on in British Columbia, because apparently the minister doesn't know what's going on here. It's best he read those studies to find out.

I'd like to quote from the Australian study. Colin Harris, manager of B.C.'s child death review unit, stated in October 2005 that the B.C. Coroners Service faced numerous resource and legislative stumbling blocks. It's clear that the coroner's office couldn't get the job done, and this government continued to deny that there were problems. These are 1,500 families — 1,500 children.

I'd like to ask my question again to the Solicitor General: can he explain why the Liberals were telling the B.C. public that there were no problems with child death reviews while the coroner's office was telling the international community a completely different story?

Hon. J. Les: I'm not sure where the Leader of the Opposition was at certain times last year, but when information became available to me that there were problems with that transition process, I (a) disclosed that in the House and (b) had it investigated. When the investigation was complete, I reported very openly that mistakes had been made, that there were issues with respect to that transition process, which had not gone as well as we had hoped, and that we would take steps to ensure that the child death review process in the future was going to function well.

In response to that, we have increased the budget over the next three years by \$13 million, and we've

added additional resources and personnel to the coroner's office. I think we've been open and transparent throughout this process. Again, I would quote Mr. Ted Hughes, who says very clearly that now is the time for government to move forward and not spend more time and money looking backward.

[1430]

A. Dix: The Solicitor General said last fall — he's not referring to initial reviews; he is referring to secondary child death reviews: "The 546 files have had a secondary review, and they will be reported out appropriately." Now, let's ignore the fact that the Solicitor General hasn't been able to produce a single review in that time.

He goes on to say: "Since 2003, 546 of those files have been looked into and completed on a secondary review basis. That work continues. I am wondering, frankly, what part of that the members opposite don't get." Well, what we don't get is how the Solicitor General would make such a statement dozens of times when the staff who do the work say it ain't so.

My question to the Solicitor General is to explain why he was giving a political message here in British Columbia while his officials were giving international experts the facts.

Hon. J. Les: Since the child death review process was implemented in the coroner's office, in fact, those secondary reviews were happening. What we had a discussion about last fall with the opposition was the fact that prior to the implementation of the child death review process, a number of files — some 713 — did not get appropriately reviewed. That is something that I acknowledged openly, and that work is underway as we speak. Those reports will be coming out in September.

Mr. Speaker: The member for Vancouver-Kingsway has a supplemental.

A. Dix: Let me read to the Solicitor General what the study says, what his staff say. We're not referring to the transition process. We're not referring to the 713 cases that he and the Premier lost — which were, in fact, 955 cases, according to the Hughes report. We're referring to the 546 cases that the Solicitor General said, again and again and again in this House, had been done. Here's what his staff say. They say: "...reviews do not routinely take place, and those that do are often triggered by high-profile media attention."

My question to the Solicitor General is this: on the 546 reviews, if he's right and I'm wrong, will he come back to this House, do what I asked him to do last November and table those reviews right here?

Hon. J. Les: What I will commit to do is to ensure that we continue to have an excellent child death review process in British Columbia guided, at least in part, by the recommendations of Mr. Ted Hughes.

SOFTWOOD LUMBER AGREEMENT

M. Farnworth: According to David Emerson, the International Trade Minister for Canada, the softwood deal currently being negotiated will require British Columbia to have all forest policy changes vetted by Washington. For the next seven years we have to give Washington control over forest policy in this province. To the Minister of Forests and Range: when did the minister know that a condition of the softwood deal was the surrender of our sovereignty to the U.S.?

Hon. R. Coleman: Over the next 60 days I expect a bit of speculation on what language will be in an international agreement between two countries. There's always going to be some issue with regards to anti-circumvention once you actually sign an agreement, because then you actually are supposed to operate within the agreement. We will be going through that with our legal people, and we're at the table as British Columbia making sure that British Columbia interests are taken care of as we go through that process.

[1435]

Mr. Speaker: The member for Port Coquitlam-Burke Mountain has a supplemental.

M. Farnworth: When a federal minister says that forest policy needs to be vetted in Washington — it's going to happen for seven years — those are pretty strong words. One thing we know about Washington, D.C., is that when it comes to regulation and red tape, they make Ottawa look streamlined and efficient.

My question is to the Minister of Forests and Range: what economic analysis has been done by his government to look at the impact of Washington having to vet forest policy changes on the competitiveness, efficiency and productivity of our forest industry? If it has not been done, why not? If it has been done, will he table the studies and reports in this House?

Hon. R. Coleman: We have a framework agreement between Canada and the United States with regards to softwood. Over the next number of days and weeks we are going to actually negotiate what that trade deal looks like. As we come through the process, we'll do all the work necessary to make sure that's okay.

Frankly, to the members opposite.... I mean, I remember the Leader of the Opposition on radio in Kamloops saying that it was time to get a deal done now, that it was time to get on with it. Well, you do get on with it, and as you do that, you will come to issues along the road with regards to language that you have to work through in a trade agreement, and that's what we're going to do.

B. Simpson: Let's be very clear. No one said, "Let's get on with it," at the price of the sovereignty of this province over forest policy.

The minister says that they'll work out the language as they go forward. We know that a 23-page document

has already been tabled with language in it, in particular, around the anti-circumvention clause.

In April the Premier announced at the Council of Forest Industries that we would institute a market pricing system in the interior in September. My question is very simple, to the Minister of Forests and Range: in that anti-circumvention clause, will we have to go to Washington for permission to put that market pricing system in place in September?

Hon. R. Coleman: I'm actually kind of shocked at this one, seeing as he is the critic for Forests. If the member had been paying attention, he would know that I announced last week that we moved the market pricing system up to July 1.

Mr. Speaker: The member for Cariboo North has a supplemental.

B. Simpson: I certainly do, Mr. Speaker.

The Premier in his opening remarks today said that he hoped we would shed some light on the issues that confront British Columbians. We've just had some light shed on those issues. The very fact that the minister had to move the date up to July 1 is proof of the concern that we would not be able to do it.

Now Prime Minister Harper continues his bully tactics on getting this deal done. He has indicated that he wants the deal done by June 15. Will this minister now have to bring up the date for the beginning of the market pricing system before that? And every time we have to do policy changes to make our industry competitive, will this minister have to travel to Washington to get approval?

Hon. R. Coleman: It is a trade deal, a trade deal between two countries, and one that was worked out with industry across this country. I don't know what is wrong with having, within a trade deal, certain clauses in which you have certain behaviour defined.

No, hon. member, we've made it very clear to Washington that the MPS system is not part of this agreement and should not be part of any discussion with regards to it. In addition to that, you know.... We've got companies today that make siding, and it is end-matched, and they hit the border at 10.86-percent duty on \$1,200 a board foot because they're being taxed on the high-value product hitting the border. Today, when this agreement is done, those people will actually be paying first-mill price. The saving and jobs created just by that, for the economic side of the small sector of forestry, is very important.

[1440]

In addition to that, when you talk to the industry in the province of British Columbia, the uncertainty and the difficulties of dealing with this thing for the last 15 or 20 years are unbelievable. In actual fact, the industry itself is saying to us: "This is a good deal. Get on with it." There are always going to be those that wanted a better one, but I can tell you: there are a whole bunch of companies that have been sitting on the edge of re-

ceivership in British Columbia, because of what they're paying at the border, that want to get on with business and want this deal done.

EMERGENCY SERVICES AT MOUNT SAINT JOSEPH HOSPITAL

J. Kwan: Last week the Minister of Health tried to wash his hands of the cuts to Mount Saint Joseph Hospital. But doctors and health care professionals have spoken out, and so did the community. To date, over 3,200 people have signed on to a petition against the cuts. Organizations including the Chinese Benevolent Association of Canada, the Taiwanese Canadian Cultural Society, the Chinese Freemasons of Canada national headquarters, among others, have signed on endorsing the petition against the cut.

We understand that the officials will be meeting later on this afternoon. I would like to ask the minister: will he confirm, and respond to the community, that physicians at Mount Saint Joseph's emergency would not be reduced by 23 percent effective June 1 and that Providence Health Care's administration would not be punished for this decision?

Hon. G. Abbott: What I can tell the member very clearly is: as I have noted in this House before, over the past three years we have seen the budget for Mount Saint Joseph's emergency physicians only move from \$686,000 to \$1.075 million — a 56 percent increase in the funding for emergency physicians.

It is not up to me to determine the number of FTEs there are at Mount Saint Joseph. There are people in Providence Health Care and people in Vancouver Coastal Health who are far better able to determine what the appropriate staffing level is at any moment in time. But I can tell you that our commitment as a government to Mount Saint Joseph is unwavering, including a \$3.5 million construction project that is underway, six new intensive care beds, a new biomedical engineering department, a new mechanical room, a new stress test and ECG clinic on the ground floor, and a new pulmonary function clinic on the ground floor as well.

We are making appropriate investments in Mount Saint Joseph. We look forward to the continuing return on that investment.

Mr. Speaker: The member for Vancouver–Mount Pleasant has a supplemental.

J. Kwan: Appropriate support for Mount Saint Joseph would be not reducing the physician support, effective June 1, by 23 percent. According to the doctors, the Ministry of Health allocates physicians to FTEs, and Providence Health Care has very limited ability to top up the physician funding above the Ministry of Health allocations. We've been advised by the physicians that if administrators are caught trying to adhere to national standards and to ensure patient safety in ERs in hospitals, they would be fired.

Will the minister confirm, then, that the administration at Providence and any other health authority would not be punished for just doing their job?

Hon. G. Abbott: I'm surprised that the member would concoct these quite remarkably foolish scenarios and hypotheses in her mind. We're always open to constructive suggestions. In fact, last Friday we had the second of our meetings with emergency room doctors and nurses, paramedics, Hospital Employees Union. Everybody's working hard to ensure that we make the best possible use of our health human resources and our other resources in this province.

Again, it's not as if we don't occasionally have difficult decisions to make in the world of health care, but frankly, we've owned up to what we need to have done. We're investing more in nurses, more in doctors and more in new capital projects than at any time in the history of British Columbia.

[1445]

AMBULANCE SERVICE COVERAGE IN SMALL COMMUNITIES

C. Evans: A couple of weeks ago I attended a recruitment event of the B.C. Ambulance Service in Nakusp. Seven hundred invitations were sent out, to every single household in the village, and they served tea and cookies. Only two people came: me and the mayor.

They were trying to recruit because the Nakusp Ambulance Service has been unable to fill ambulance shifts for weeks now and needs new attendants. Nakusp has been covered by New Denver when it's unable to field an ambulance, and this morning the mayor of New Denver advised me that his village, too, is unable to fill ambulance shifts and will be down until July.

My question is for the Minister of Health, and it is: is the inability to put workers into emergency service vehicles limited to villages in my constituency, or is this a problem in small towns all over the province?

Hon. G. Abbott: I thank the member for raising the question, because I think it's a very important one. For communities that are remote or very small, finding an acceptable number of ambulance attendants can be a big challenge. As the member rightly noted, the B.C. Ambulance Service had sent out 700 flyers across the community of Nakusp to try and encourage people to come out to discuss the opportunities that present themselves in the B.C. Ambulance Service.

I do want to say that I appreciate the member's question. I do need to note, though, that we have a new collective agreement in place with the paramedics of British Columbia, effective 2004. There is provision in that agreement for both enhanced on-call pay and enhanced training. If those are items that are not working well for the smallest communities in British Columbia, I think it's entirely appropriate, as the member has just done, to make me aware of it. I will take his suggestions back to my ministry and work on them.

Mr. Speaker: The member for Nelson-Creston has a supplemental.

C. Evans: Yes, hon. Speaker. For the information of members on both sides from smaller communities, the reason the minister was using the word "remote" in his answer is because the new agreement says that if you are remote, then you only get \$2 an hour on call to serve in an ambulance, and you have to pay for your own training and the travel to Vancouver, or a larger centre, to get the training, and therefore, nobody's signing up.

My question is actually for the Minister of Finance. The poor Minister of Health is locked into a collective agreement and contracts and all like that. But summer's coming. These tiny villages that are remote in the winter — 500 or 1,000 people — will be 10,000 people when the tourists come from the lower mainland. I'm sure we don't serve Whistler with a health service for its indigenous population; we do it for the larger population. Will the Minister of Finance consider having some seasonal adjustment for smaller communities to serve them with a contractual allowance for the population that's actually physically there in the summertime rather than the wintertime indigenous population with which the Minister of Health counts their heads?

Hon. G. Abbott: The budget for the B.C. Ambulance Service has moved from \$182 million back in 2001 to \$256 million today. One of the reasons why that has occurred is the new collective agreement that we have with the B.C. Ambulance Service, which was strongly endorsed by the paramedics of British Columbia.

The member is right that there is a distinction made between rural and remote, and there is a differential in terms of the negotiated agreement on what the payment would be. The level at which one is either deemed remote or deemed rural depends on the call volumes that are produced annually. When a community or a region exceeds the threshold, they become deemed rural.

The member, I know, is trying to make a good point here. We're prepared to look at it. But again, we don't have all the money in the world, and it's important that we allocate resources appropriately. The member may take issue with the collective agreement, but it is the collective agreement which has been freely negotiated with the B.C. paramedics.

[1450]

FUNDING FOR HIV/AIDS ORGANIZATIONS

S. Simpson: Last year in estimates, on November 16, 2005, the Minister of Health, in response to questions related to funding for community organizations that work around HIV and AIDS, said the following: "...HIV/AIDS organizations play an important role in helping us to deal with this challenge, and we have added an additional \$60 million to our budget for the public health area over the next three years for health authorities to work with AIDS organizations to assist us in trying to meet these...goals that we've set out."

It's my understanding that that money has started to flow to the health authorities, but at this point, none of those AIDS or HIV organizations have received any of these dollars. Will the minister tell us when those organizations might expect to see some of the money that the minister committed to last year?

Hon. G. Abbott: I'll take the member's question under advisement. I will pursue this matter with my ministry and with the health authorities to ensure that the organizations are securing the money in a timely way.

Mr. Speaker: The member for Vancouver-Hastings has a supplemental.

S. Simpson: I do have a different matter. The minister received a letter on March 10 from the chair of the B.C. Persons with AIDS providing that exact quote I gave to the minister and asking where that money would be. He's had a letter from this organization for over two months to which there's been no response. Maybe the minister could tell us when he's going to respond to the mail asking him these questions.

Hon. G. Abbott: I get thousands of letters every month. We respond to every letter that we receive, and we respond to it in as timely a way as we can. It may be that the question that was posed in the letter is still being researched. Perhaps the letter has been composed. I'll look forward to seeing it signed off just as soon as it's done.

COMPENSATION FOR ELECTRICAL POWER SURGE DAMAGE

D. Thorne: In my community of Coquitlam a single motor vehicle accident has caused headaches for hundreds and hundreds of residents. At about 4 a.m. on Sunday, May 7, a truck struck a power pole, causing a major power surge in my riding. The surge fried appliances and electrical devices, including refrigerators, stoves, television sets, computers and dishwashers.

My constituency office is getting dozens of calls from affected citizens seeking compensation. They feel they are getting the runaround from both B.C. Hydro and ICBC, as they are being told to basically check it out with their home insurance agents.

I have a question for the minister responsible for ICBC. I would like to know what the ministry is doing to address the concerns of those who have been affected by this power surge, including those who do not have home insurance to cover the costs and those who cannot afford the often up to \$1,000 deductible if they do have insurance?

Hon. R. Neufeld: Yes, there was a motor vehicle accident that has caused some inconvenience for quite a few people in Coquitlam. I appreciate that. As of this morning B.C. Hydro and ICBC have reached an agreement and are moving forward on actually working with the people that have been affected.

[End of question period.]

D. Cubberley: I seek leave to table a petition.

Mr. Speaker: Proceed.

Petitions

D. Cubberley: I'm in receipt of a petition from over 1,600 registered nurses in British Columbia. The nurses are supporting the implementation of an effective and comprehensive regulation to prevent injuries, especially needle stick injuries from sharps and poor practices.

The proposed changes to the occupational health and safety regulation currently in play only cover vascular hollow-bore needles. The majority of injuries to nurses and other employees are from other medical sharps, and the nurses are asking that the regulation be changed.

[1455]

S. Hawkins: I rise to table a petition. The petition is from registered nurses in Okanagan-Penticton in support of medical safety sharp regulation.

C. Wyse: I present a petition of 59 persons voicing concerns about new regulations around medical sharps from WorkSafe B.C. The petition identifies eight gaps in the new regulations.

A further petition. I present a petition from 174 persons from the Anahim Lake, Nimpo Lake and Charlotte Lake area to have the two-wheel drive ambulance replaced with a four-by-four vehicle in order that the ambulance can access all areas at all times of the year.

Standing Order 35

B. Simpson: Mr. Speaker, I rise under Standing Order 35, as outlined to you in my letter of this date, to raise a motion of urgent public importance — namely, that the provincial and federal governments have fast-tracked a final softwood agreement with the United States to conclude as early as June 15 and that this House, not scheduled to meet again until October 4, must address the question of surrender of sovereignty that both the federal and provincial ministers have accepted as a feature of that agreement. This information was only recently confirmed by federal International Trade Minister David Emerson.

In light of this confirmation, and the cooperation of the B.C. Minister of Forests to compromise B.C. sovereignty, I believe this matter requires urgent debate in the Legislative Assembly. The accelerated nature with which the provincial and federal governments have undertaken negotiation and ratification of the softwood lumber framework agreement has not allowed for any public review of the agreement and its terms. Should the government agree to these new terms, the B.C. forest sector and B.C. communities will be committed to a potentially unfavourable deal for a seven-year period.

This is the first opportunity for public debate since this critical issue of compromised sovereignty has been

confirmed by the federal International Trade Minister. It is also extremely urgent that this House debate this matter today, given that the estimates for the Ministry of Forests and Range have finished and that the Legislature is scheduled to adjourn on Thursday and will not reconvene until October, long after the framework agreement will likely be signed. It is imperative that this House take this opportunity to clarify that maintaining B.C.'s independence over public policy is paramount to ratifying any deal.

I have a motion to move, if the Speaker finds it in order.

Hon. M. de Jong: I'll respond.

I would first like to seek leave to make an introduction, though.

Leave granted.

Introductions by Members

Hon. M. de Jong: I'll think of my response in the process.

One of the great schools in Abbotsford is Godson Elementary, and some grade four students are here with their teacher Ms. Wiens. I hope the House will make them welcome.

Debate Continued

Hon. M. de Jong: I've not seen the motion that the member is tendering. I suppose, before I conclude my remarks, it is wise and incumbent upon me to say that.

I do make this observation, though. One of the tests laid out under the standing orders relates to the opportunity for debate. We're beginning the Premier's estimates today, so I'm at a bit of a loss as to how the member believes the matter would qualify under the standing orders. But I'll take a look at the motion, and maybe I can communicate with my friend, the Opposition House Leader, and make further submissions shortly.

Mr. Speaker: I'll wait to hear back from the Government House Leader.

Then you'll come back into the House to submit your...?

Hon. M. de Jong: Right.

Tabling Documents

Mr. Speaker: I have the honour to present the *Annual Report of the British Columbia Legislative Library, 2005*.

Orders of the Day

Hon. M. de Jong: In this chamber I call committee stage debate of Bill 30, and in Committee A, Committee of Supply — for the information of members, the esti-

mates for the Ministry of Public Safety and Solicitor General.

[1500]

Committee of the Whole House

MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2006

The House in Committee of the Whole (Section B) on Bill 30; S. Hawkins in the chair.

The committee met at 3:04 p.m.

Hon. M. de Jong: On the bill. For the information of members, to convey to the committee that in accordance with the statement made in the House last week, the government intends that section 9, which is the main section, and then the consequential sections to it — 10, 17 and 58 — will not be proceeding. There is a mechanism by which that will happen at the appropriate time when we arrive at the section.

Sections 1 to 4 inclusive approved.

On section 5.

L. Krog: I wonder if the Attorney could simply comment on the nature of this section and what the purpose of it is.

[1505]

Hon. C. Taylor: The point is that in the past, while these calculations have been made by the comptroller general, they are not made public until Public Accounts. In trying to bring this act up to more transparent standards, this says that within 90 days it will be made public after any reorganization.

Sections 5 and 6 approved.

On section 7.

L. Krog: With respect to section 7, my question is to the Attorney General. Does this section represent a significant change from the previous section, and will this in fact have the effect of delaying significantly the response from public bodies?

Hon. M. de Jong: Thanks to the member for the question. I think I noted the member making remarks in second reading, but actually, upon reflection, it had to do with a different section than this.

The way that I will try to convey what is being proposed in the bill is to identify for the committee what the problems were that were identified and how I believe and the government believes that what is being presented is a reasonable response to those problems.

In this case, the problem that was identified related to the fact that at times circumstances arise which interfere with the ability of the public agency that has obli-

gations under the act to comply with the time limits. At times those are circumstances that are truly beyond anyone's control. They may be natural disaster events. I suppose it could be labour disruption.

The member will know that under the existing provisions of the act, there is a mechanism by which the head of the public body can extend, of their own volition, the time for replying by 30 days. This proposed amendment allows for the public agency or head of the public body to go to the commissioner and make a case for why the commissioner should authorize a further extension beyond that.

For me, the relevant point in sponsoring the initiative and having it here in the Legislature was the fact that the decision is taken away from the public body and vests in the commissioner himself or herself, who then applies the test as set out here as to whether or not that additional extension should be granted.

L. Krog: Just so I'm entirely clear, the way I read section 7, which is this new section 10, essentially it means that.... It seems to say that the head of the public body may extend the time, but in addition, he has authority to go to the commissioner and ask for an extension of the time. The first is an entirely bureaucratic decision made by the ministry, and the other section provides that he can then go for a further extension in addition.

This is already a fairly complex and lengthy process, and there are great complaints about the amount of time involved with respect to the provision of responses to requests under the Freedom of Information Act. I'm just wondering if the minister can give us any assurances in the House today that, in fact, there will be appropriate funding or whatever to ensure that these lengthy delays are not exacerbated by the implementation or passage of this section.

[1510]

Hon. M. de Jong: I guess the assurance that I can and would like to provide to the member and the House is twofold. One, it is the commissioner — who the member will know has not been a shrinking violet in advocating for reasonableness and rationality insofar as the application of the act and the processes of the act — has accepted this as a fair and balanced mechanism by which to take account of extraordinary circumstances.

I do want to emphasize this. This is not a provision that is designed or intended to be used on a regular basis for excusing tardiness. It is designed to be applied. It is designed to give public bodies an option to go to the commissioner and make a case before the commissioner that, in these extraordinary circumstances, it is reasonable to grant a further time period within which the request can be complied with.

Sections 7 and 8 approved.

Sections 9 and 10 negated.

On section 11.

L. Krog: I wonder if he could comment on the effect and the reason for striking out section 21 or 22 and substituting 21, 21.1 or 22.

Interjection.

The Chair: We're on section 11.

Hon. M. de Jong: If the member will give me.... The section 11 that I am looking at substitutes the term "agreement" with "written agreement," so I....

L. Krog: The minister is correct. If he could respond to that, then. What's the reason for section 11?

Hon. M. de Jong: As the member knows, there are circumstances where the legislation contemplates certain kinds of information-sharing agreements in this act and, actually, in some other circumstances relating to health. The point here is that it seemed reasonable — and in fact, it was, I believe, probably the intention — that where those kinds of agreements exist, they should be in writing so that it is clear under what terms that information can be shared and also so that there is an opportunity for people to know with certainty the basis upon which the information is being shared.

Section 11 approved.

On section 12.

L. Krog: The minister is in receipt of a letter from the freedom-of-information and privacy commissioner dated April 28, 2006. He says:

In the case of the amendments to FIPPA in relation to location of personal information outside of Canada or access to it from outside Canada, I support these amendments as reasonable. I note that they are narrowly tailored and would permit location of personal information outside Canada or access from outside Canada only where a public body official is temporarily travelling outside Canada or for "installing, implementing, maintaining, repairing, troubleshooting or upgrading electronic system or equipment that includes the electronic system or for data recovery that is being undertaken following failure in the electronic system."

That's a letter dated April 28. I'm wondering if the minister is absolutely satisfied that, in fact, these amendments apply just as narrowly as the information commissioner is suggesting in his response.

[1515]

Hon. M. de Jong: In fact, I actually think the member has asked precisely the right question. I said at the outset that the process I followed with this whole exercise was: what is the problem? And if the problem is real, then are we adopting a solution that is focused and narrow enough not to allow the kinds of abuses that the act is designed to protect against in the first place?

So here was the problem we were confronted with anecdotally. People go across the line — whether it's a

government official or even a physician. They take their BlackBerry or their laptop computer, and they want to access files. If it's a physician — golfing in Palm Springs, I suppose — and they want to be able to service some of their clients or do some work, or it's a public official trying to access their information, they are presently at risk of running afoul of the act.

If we accept that we don't want to create offences out of those circumstances, can we seize upon and draft language that would allow for people to engage in what I would suggest would be regarded as reasonable behaviour without opening up the door too wide? That gives rise to the member's question. He has fairly pointed out that the Privacy Commissioner has considered these proposals and regards them as reasonable, focused, balanced and appropriate.

It won't surprise the member to know that I feel the same way on the basis of the hours of discussion that have taken place around the drafting of the provisions. The best I can say to the member is that I believe we share the same objective here — or I hope we do — and that is to recognize that as it is presently worded, the act is having some unintended consequences which we are trying to deal with via this amendment. The intention is not in any way, shape or form to frustrate the predominant or prevailing intention or objective of the act, which is to protect against the unauthorized dissemination of information to other countries.

L. Krog: I have heard it referred to by some folks as the BlackBerry amendment, which conjures up this image of just a very quick, simple and short disclosure and some temporary travelling outside the country of no significant consequence whatsoever. Is the minister then saying that that is the entire focus of this section? We are talking about a genuinely.... I would call it an even less than temporary period of time.

Hon. M. de Jong: I'm glad the member asked the second question, because the answer is no. The section, particularly sub (b), actually does something else. It does facilitate a flow of information, to this point, in very different circumstances than someone carrying a laptop computer or a BlackBerry.

The problem, if I can offer this to the member, relates to the fact that a lot of equipment.... I'll use one example that has been brought to my attention: MRIs. Apparently when there's a problem with an MRI — highly specialized, technical, complex equipment — the practice for the initial diagnosis of what the technical problem might be is carried out on line or is intended to be carried out on line. Largely, the diagnostic folks in that case are in Massachusetts.

Apparently, as part of that diagnostic exercise, information covered by the act flows back and forth. It can even be, to anticipate the member's question, specific data relating to a specific situation as a means of tracking the accuracy of the equipment or what might be wrong with the equipment. So another key provision here is to allow that kind of repair, maintenance and diagnostic work to occur without placing the op-

erators — the proponents — in jeopardy of running afoul of the legislation.

[1520]

Again, though, I do not quarrel with the member's question. If we accept that that is a legitimate thing to try and accommodate, how do we do so? We must make sure we do so without opening the door any wider than absolutely necessary to accommodate that.

L. Krog: Does the amendment allow data to be stored outside of Canada by a contractor of government for extended periods of time?

Hon. M. de Jong: I am advised that the act is worded in such a way as to make clear that it is temporary storage only, for the purposes contemplated in the section only.

L. Krog: It is proposed that all officers and employees of a public body be allowed to disclose information inside and outside of Canada if the information is necessary through performance of their duties. What is their relevant definition of "necessary"?

Hon. M. de Jong: To come back to one of the examples I cited earlier where you have the physician who travels south and then from his or her vacation spot or seminar felt obliged to access data via their transmission device or personal data device.... The act contemplates that. The member's question is around the test for "necessary."

At the end of the day, like most of these tests involving the reasonable application of provisions, they are not defined exhaustively or codified. But the final adjudicator, where there are allegations of improper use of those provisions or improper application of the necessary provisions, would be the commissioner under the terms of the act.

L. Krog: I appreciate that the commissioner will be the ultimate adjudicator, but the question that the public has, of course, is: who's going to determine when the disclosure is necessary? And who is going to watch over which public body employees are disclosing information within any government structure, other than the commissioner?

Hon. M. de Jong: Maybe I took incorrectly what the member said. Except in the case of one of the sections we just talked about for extending the period, the act is not built around the principle of preapproval.

[1525]

Whilst I understand that the member correctly focuses in on the fact that a provision like this must not be misused, I am suggesting to the House and to the committee that the language that has been employed is designed to provide some safeguards coupled with the fact that — as with every other provision — there is the oversight offered by the Office of the Information and Privacy Commissioner.

L. Krog: I do emphasize the term "freedom" here. If I understand what the minister has had to say and if I

understand the act, essentially untold hundreds of public servants — employees of public bodies — will be in a position to make these decisions on a daily basis, on a weekly basis, on an annual basis — none of which will come to public review unless someone presumes there's been some breach of the act.

In other words, this act gives the ability to any employee of a public body to make a decision about what is necessary in terms of disclosure for the performance of their duties, and that can happen literally a hundred times a day, a thousand times a day. Am I correct in my understanding?

Hon. M. de Jong: I'm not sure how that is different from what takes place today. The act imposes the obligation on officials at public bodies today to make decisions, make judgments. Whilst I don't wish in any way to diminish the importance of the decision relevant to this section, it is not unlike the decisions that officials make in countless thousands of other circumstances relevant to the protections being afforded by the statute.

L. Krog: With respect to the minister's previous answers, obviously these decisions are going to be made by individuals working for government, and the language talked about is "necessary for the performance of the duties."

What is necessary? Is the term "necessary" defined somewhere in this legislation that I'm missing? I mean, who determines what is necessary? Are there any tests? Are there any regulations intended to describe the tests? What's going to be the guidance here for these hundreds of public employees to make the decision on a daily basis what's necessary, when they can do this?

Hon. M. de Jong: The guidance that people may seek, and I should point out... I think I heard the member say just government employees. I'm not sure that's completely accurate, actually, because it may have application for people outside of government.

As the member knows, we have a fairly well-regarded policies handbook for the act. Upon passage — assuming it does — of the section, that would be the document that would contain the guiding principles and policy that would afford people, I hope and I think, the assistance they need in terms of governing their behaviour on a day-to-day basis.

L. Krog: This section begs the obvious question: why are employees and officers not required to keep records of which information is being disclosed and the reasons for such disclosure? Otherwise, frankly, how is anyone ever to get this before the commissioner if there are no records being kept of when these disclosures are being made to determine whether, in fact, they were necessary?

[1530]

Hon. M. de Jong: I wonder if part of the discussion here I have not responded to properly is the use of the word "disclosure." I would emphasize to the member that what we're talking about is not disclosure outside

of the family of individuals that are entitled to the information in British Columbia.

In the case of the first subsection, this isn't designed to apply to someone who brings information via their BlackBerry or their computer and then discloses it. This doesn't authorize that. It allows them to utilize it as they would be authorized to do so within British Columbia — so no disclosure issue in that respect.

In the other case, in the other subsection where I talked about the diagnostic equipment, there is an issue around the temporary disclosure of that information for very, very specifically enumerated purposes.

L. Krog: The section provides that disclosure outside of Canada be permitted only for those temporarily travelling outside of Canada. I guess the obvious question is: who determines what is temporary, and again, is there any definition to determine temporary? If you're a high-level public servant, you might be travelling around the world for 30 days. You might be popping down to Seattle for six hours. I mean, what's the definition of temporary?

Hon. M. de Jong: I sat here for a moment, and I tried to turn my mind to contemplating every possible circumstance that could arise. Of course I can't. Temporary travel outside of the jurisdiction is just that. The member is right. In some cases it's a few hours. In some cases it might be a few weeks. I suppose, in rare circumstances, it might be longer than that. The policy guidebook will endeavour to provide some assistance, but I don't want to mislead the member. Like most policy guidebooks, it will not provide an anticipatory decision of every conceivable circumstance.

The purpose here, as revealed in the discussion we're having, is to create a circumstance in which people who may need — on a very temporary basis while they're outside of the country as part of their duties — to access information that heretofore has not been permitted to travel across our borders have the ability to do so on a very temporary basis.

Again, I point out that this is not about disclosure of that information. The person who would be accessing it has the right to access that information within British Columbia, and there would not be an issue if they were within British Columbia.

L. Krog: Why not limit these disclosures, if you will, or the relation to disclosure outside of Canada to work-related trips of a specific length? In other words, establish it by policy very clearly. The minister has indicated in his answer that this will be covered by policy guidelines, etc. Most British Columbians take this stuff fairly seriously. I'm wondering why the legislation doesn't provide for much more specific definitions of the cases in which this would apply.

[1535]

Hon. M. de Jong: Because I'm not sure how that would provide the member, or those who share his concern, with any more comfort. If the absence was for

four hours, but the purpose of accessing the information were still improper, I'm not sure how the mere fact that there is a time line around the absence.... I mean, we're not talking here about continuous access either. The wisdom of statutorily imposing a deadline....

If the physician is in Palm Springs, and the patient requires an opinion instantly two weeks plus one hour after departure, is the physician going to say: "No, I'm sorry. The act only authorizes me to access your file for up to two weeks, and I've been gone for two weeks now"? I'm not trying to in any way belittle the member's obvious interest in drawing parallels around the application, but I don't know the wisdom of statutorily enshrining those kinds of time lines. The wisdom of that eludes me.

L. Krog: The section also talks about service providers. Their employees and associates are also to be allowed to disclose information that is "necessary for the performance of the duties of the individual in relation to the public body...." Who is going to determine when those disclosures will be determined or declared as necessary, and what, if any, criteria are going to be used?

Just to assist the minister, it's (e.1), where it reads, "to an individual who is a service provider of the public body, or an employee or associate of such a service provider," if the information as to their performance, etc.

Hon. M. de Jong: Let me try to convey this. I think I missed part of the member's question, but he'll remind me of which part I've missed. The addition of the subsection allows and enables — and this is key — a Canadian-based service provider of a public body to access necessary personal information while temporarily travelling outside of Canada. But the provision is limited to Canadian-based service providers by the requirement that the service provider receiving the information must be a service provider who normally receives the personal information only inside of Canada. So there's a built-in limitation around who qualifies.

[1540]

L. Krog: If I understand the minister, what he is saying the section says is that if I'm a service provider and I'm travelling outside of Canada, then I get to receive the same information — or any information someone declares as necessary — that I would if, to use the minister's example, a physician travelling outside of Canada needing to get medical information. Is my understanding correct?

Hon. M. de Jong: I think the member is correct with the synopsis. The key point being that if you are abroad — if you are temporarily abroad as contemplated by the subsection — you are only entitled to receive that information which you would be entitled to receive if you were at home in British Columbia.

L. Krog: Again, that will be a determination with respect to the definition of "necessary." The criteria will be established either by policy — not by this Legisla-

ture — or by some manager or some person within a bureaucracy or a given organization that constitutes a public body. Is that correct?

Hon. M. de Jong: I think the answer to the member's question is essentially yes. The member is skilled at reading the legislation. The act establishes the broad parameters. There will be guidance afforded via the policy guidebook. Where there are allegations of abuse or non-conformance they are ultimately adjudicated, as we discussed earlier, by the commissioner.

L. Krog: Obviously, if this kind of activity is taking place on a regular basis — and it may well be so — if you have the technocrat who has got to be the person who can give the service provider the answer for the problem back home, and they're travelling abroad a lot, as often high-brow computer experts do....

If there's a breach, then who is going to be liable for that breach when the data is under the control of a service provider?

Hon. M. de Jong: I need to know more about the breach.

[1545]

L. Krog: In a situation where there has been a breach and some of that private information has been disclosed through some mistake of the service provider — or to use the language, employee or associate of such a service provider — and it happens outside of Canada, will the public body be liable? Will the service provider be liable? Who's going to be liable in those circumstances?

Hon. M. de Jong: The liabilities in the circumstance the member has referred to would attach in the same way as if the breach had occurred within British Columbia.

L. Krog: I take that answer from the minister to mean that it would apply to the service provider, whether or not it occurs inside or outside of British Columbia. But it also talks about the service provider of the public body or an employee or associate of such a service provider, and I'm just wondering what constitutes an associate of a service provider. Does that mean that if I'm a Delaware company providing assistance to Accenture, who I work under contract for, and Accenture in turn has control of Hydro records....? Does that make my Delaware company, as an example for the minister, an associate for the purposes of this section?

Hon. M. de Jong: We the Crown in the right of the province of British Columbia will continue to look to that entity with whom we have the relationship. Just as some of these organizations may have subsidiaries, the act — as the member knows — requires these to be Canadian-based organizations. It is to that agency that we and ultimately the commissioner continue to look.

L. Krog: I would like to defer to some of my many colleagues who have questions to ask around this par-

ticular section, particularly the member for Yale-Lillooet.

H. Lali: Bill 30 would permit computer maintenance people, such as system administrators and database administrators from foreign countries, to access data which is currently protected under FOIPPA. Many people don't seem to realize that computer maintenance people actually control data entry. They also end up having a lot of power to grant access and read data or even move entire databases around.

In other words, one doesn't really control security if one doesn't control the people who control the security. Once the people doing the snooping or people who have access have computer maintenance people helping them, they can copy entire databases.

[1550]

I know that over the course of the last few years this government has been giving so many assurances to the opposition, to the media, to critics, to people that data that belongs to the people of British Columbia or that the government actually keeps on behalf of British Columbians would not be subject to the U.S.A. Patriot Act. We know otherwise, with what has taken place with Accenture — with data being actually stored in Chicago, for instance.

I'm wondering if the minister is aware that in terms of the computer maintenance people who control the data security and have a lot of power to actually grant access, read data and even move entire databases around.... Again, system administrators tell me that one doesn't really control security if one doesn't control the people who control the security. I wonder if the minister could tell me how this will prevent British Columbia information being accessed by the Americans under the American patriot act.

Hon. M. de Jong: Well, here's the deal. We have gone to great lengths in this province to, if I can use the term, Patriot Act-proof ourselves, but we are confronted by a situation. I'm not sure if the member heard the earlier example. We have something in British Columbia that we use on a regular basis, on a diagnostic level, called MRI machines. I will just use one example that the member for Nanaimo and I were speaking of earlier.

If there is a problem with one of those machines, I'm advised that the first order of business is to conduct a diagnostic analysis of what is talking place electronically. There are lots of reasons for doing that. First of all, the machines are very important, and they like to get them back on line as quickly as possible.

So we have a choice, and I think the member has astutely identified that choice. We can decide not to make this change. You don't have to make this change. We can decide not to create this exception — because it is an exception — but if we make that decision, we need to understand that every time one of those machines goes down, we are going to pay to fly people from Massachusetts to do the repair.

Now, aside from the cost involved, I am satisfied that it doesn't make sense in terms of taking advantage

of the technology that is available to facilitate a more rapid repair or correction of whatever the technological glitch is that is preventing the machine from doing its work. The member is correct. We are creating a very specific exception to allow for that maintenance repair to take place in as timely a way as possible.

I point out, because the member for Nanaimo was kind enough to read it into the record, that the Privacy Commissioner turned his mind specifically to this section — as he did several other sections, which the member knows full well — and proffered an opinion that he believes this is an appropriate response to that situation.

The member may differ — and I am, as always, interested to hear that — but we should understand in the discussion we're having that there is a consequence to not attempting to do something that would facilitate the speedy repair of some of this equipment that we rely upon quite heavily in British Columbia.

[1555]

H. Lali: Earlier in his answer, the minister said that this government has gone to — I'm paraphrasing — great lengths to Patriot Act-proof our systems. I'm sure that the attempts are being made by the government, but.... I mean, we've had, even internally, a great problem in terms of keeping secure the most personal information of British Columbians. We've had breach after breach of security of information. Under this government we've had tapes, computer laptops, computer systems being sold without either items being erased or software destroyed. We've even had offices broken into where computers were stolen with their databases.

I think it's upwards of a hundred thousand people in British Columbia who have had their information go into the hands of people who weren't supposed to have it. So it doesn't really give me great comfort — I know the minister must be sincere in his remarks — that the information the government has is going to be secure or going to be appropriately Patriot Act-proofed, as the minister says.

I also want to say to the minister that a system administrator says that people don't realize that maintenance work often involves moving an entire database around. Databases are often zipped up and sent off-site to troubleshoot a problem or to do a test of the backup and recovery system. Can the minister tell me how much of that is going on presently? Could the minister also tell me: after these changes are made when Bill 30 is passed into law, how much of an increase in that are we going to see?

Hon. M. de Jong: Maybe I can begin by answering the member's question this way. There are statutory limitations placed around the use of this tool. It is a tool, admittedly, because it does provide an unusual exception to the general rule around the disclosure of this type of information.

In this case, it is actually disclosure, as we talked about earlier. That is, under subsections (a) and (b), the information has got to be limited to temporary access,

and even any storage has to be on a temporary basis. It can only be that amount of information absolutely required to perform the diagnostic and maintenance work. In that respect, it imposes a strict obligation on the service provider to ensure that no more information than was absolutely necessary to conduct the repair or the diagnosis of the problem was transferred.

H. Lali: I wasn't in the House a little earlier. I had other business to attend to. I don't know if my colleagues from this side of the House have asked this question or not, but I'm sure they'll let me know.

When the minister says "temporary," what is temporary? How is it defined? What's the length of time? It has been canvassed? Okay, I'll pass on that, and I'll have to check the record. My colleagues tell me that has been.... Anyway, it concerns me, when we're looking at temporary, what the definition of temporary would be.

I guess I want to move on to ask the question. When databases are allowed to travel outside of B.C. jurisdiction, then B.C. privacy protection laws actually don't protect them. When one looks at some of the sections in the act, 33.1(1)(e.1) and 33.1(1)(p), they may look reasonable. But from the perspective of database administrators, they believe that these two sections would actually render the provincial privacy protection almost useless for the purpose of protecting personal data held by provincial institutions. They wouldn't be able to protect that personal data from the Patriot Act, from snooping.

[1600]

Would the minister care to comment on how allowing these amendments to Bill 30 to go through is supposed to make it more secure for British Columbians knowing the information is going to be secure, when in actual fact what the database administrators and systems administrators are saying it is making it wide-open either for abuse or for access by the American government under the U.S.A. Patriot Act?

Hon. M. de Jong: I've alleged no such thing. Even in the short time the member and I have been having this discussion, I have openly acknowledged that this represents an exception to the general provision. The act is about rationalizing why that is so and why that's necessary.

I come back to my original point. I take it from the discussion we're having that the member is opposed or wouldn't want to do this. I'm curious, because the Privacy Commissioner is not opposed. I actually listened with interest several days ago when the member for Nanaimo, on a separate piece of legislation, at least had the courage to say he disagreed with the Privacy Commissioner. I can't remember what the piece was, but he said: "I have great respect" — as we all do in this House — "for the Privacy Commissioner." But in this instance the member for Nanaimo disagreed with his opinion and said so.

If the member disagrees with the Privacy Commissioner, who has examined this and come to the conclu-

sion that it is a reasonable, focused and balanced approach to solving a problem, then.... If the member disagrees with that, I hope he'll say so, and at least we'll know on the record.

I've tried to lay out the problem. The member can say: "Well, I don't think that is a serious enough problem to warrant this exception." I'm happy for him to tell me that as well. I'm not going to take great offence if the member says: "I disagree." But I have come and the government has come to the conclusion that our ability to effect timely repairs of some of this crucial equipment is sufficient to justify a very limited and very specific exception to the rule against the transfer and disclosure of information outside of British Columbia and Canada.

H. Lali: I'm not going to stand up here and say whether I agree or disagree with the freedom-of-information and protection-of-privacy commissioner, but I will stand up here and tell the minister I disagree with the minister. I disagree with his government. I disagree with the direction that his government has taken in terms of keeping our information safe, which the people of British Columbia entrust the government to do.

I take exception to what has happened over the last three or four years, with the kind of assurances that were given by Liberal cabinet ministers, the Liberal Premier, Liberal backbenchers, saying to us that our information — British Columbians' most sensitive information...

The Chair: Through the Chair, member.

H. Lali: The member is talking about the legislation here.

The Chair: Through the Chair, member.

H. Lali: ...through the Chair, was not going to be stored in the United States.

What we found out barely a month back through leaks that took place.... What happened in this political scene was contrary to all the false assurances that this Liberal government has been giving us for the last few years — that our information was safe from the U.S. Patriot Act and that our information was not going to be stored in the United States.

That's exactly what has happened with the hydro records of employees and of customers, which are being stored in Chicago as we speak. What this bill, in essence, is doing is trying to put into law the practice that is currently taking place in British Columbia — contrary to all of the false assurances given by this government over the last few years.

[1605]

That's what is happening here. That's what I object to, and that's what I am opposed to, because what the people of British Columbia deserve and want from their government is some honesty. That's what folks are looking for. I want the minister to know this.

Does he support more of our information being stored in the United States where it can be accessed at any time by the U.S.A. Patriot Act? What kind of assurances can he give to the people of British Columbia that such won't happen? We know that the kind of assurances that were given by this government over the last few years turned out to be false.

We all want this minister to put on the record and tell British Columbians that they should trust them once again when they have given those assurances, which ended up being false. In reality, what this bill is doing is putting into law the practice that is taking place, contrary to all of the false assurances.

Hon. M. de Jong: Sadly, I think the member does himself a disservice. Whilst I appreciate that he has some statements that he would like to make about his interpretation on the general state of affairs, we are dealing with a very specific section with a very specific purpose. Unfortunately, very little, if any, of what the member had to say was relevant to the section.

It is always instructive and generally mildly entertaining when the member conveys to the House his thoughts, such as they are, on a variety of topics. We are seeking here, in as open a way as I can possibly convey to the member, to create an exception — not, as he has suggested, to permanently store data outside of British Columbia or Canada. Quite the opposite. The wording in the section that we are debating conveys that. I am, as always, interested in the member's views, but they bear very little relevance to this section.

Finally, I confess I do have a certain interest in whether or not the member agrees or disagrees with the Information and Privacy Commissioner. That is the watchdog and advocate this House appoints to assist us with matters. I have so much respect for that individual that despite the fact I have a profoundly different interpretation of one of the sections of this bill that is now not proceeding, I thought it important and the government thought it important enough to withhold those sections so that we could further canvass with him his thoughts.

Yes, I have great respect, as does the member for Nanaimo. I am actually very interested in whether or not the member believes that the Information and Privacy Commissioner is mistaken in lending his support to the section we're debating.

R. Hawes: I seek leave to make an introduction.

Leave granted.

Introductions by Members

R. Hawes: In the House today we have 15 grade 11 students from Meadowridge independent school along with their teacher Jason Alexander. This is arguably the best independent school in this province, and they will tell anyone who wants to know that that's exactly what they are. Could the House please make them welcome.

Debate Continued

H. Lali: In answer to the question from the minister.... Actually, we're supposed to be asking the questions; the minister is supposed to be giving the answers. But I don't mind now and then answering a question from the hon. member across the way.

In answer to his question, I will believe the independent Privacy Commissioner over this government any day of the week and any week of the year. I'll put that on the record for the hon. member across the way.

[1610]

The member may want to, as usual, try to deflect and not answer the question. As a matter of fact, last year in estimates I don't think I got a single answer out of the minister. Here in estimates it's the same thing. What I find of great disservice is the fact that the minister just keeps denying anything put on the table, as is the usual fashion of this government when they're caught red-handed or they've been caught with something....

The Chair: Member, this is not estimates. This is the bill — Bill 30. We're on section 12. I would ask the member to make his comments relevant to section 12.

H. Lali: Pertaining to section 12, obviously, as a question I was asking the minister.... All I'm ending up getting in terms of answers is denial.

He may want to keep on shifting and trying to make light of something or make fun of something, but the fact still remains that there are so many questions in the minds of the public out there. Yes, the government has withdrawn section 9, and had it been the opposition's way or the way of the people in British Columbia, this section would have been withdrawn as well. But that's not to say here nor there.

I would again ask the minister this question. How can he assure the people in British Columbia that their most sensitive information is not going to be subject to the American Patriot Act and that there isn't going to be a tremendous increase in the amount of information being stored in the United States?

We've already heard this government before, assuring that none of our information would be stored in the United States. But we have found — with its privatization of our information, whether through Maximus, Accenture or others — that information of British Columbians has landed in databases, where it's being stored in the United States and Chicago.

Can the minister assure this House and, through this House, the people in British Columbia that this does not open the floodgates of storing more and more information of British Columbians in the United States, where it will be subject to the United States Patriot Act?

Hon. M. de Jong: Yes, I can do so.

M. Sather: I wanted to ask the minister two questions. One of them is to clarify something he said around the process of section 12, and the other is to do with a specific contract.

The minister made reference to equipment in the United States, if I understood it correctly. He said that this amendment was brought forward because of the need to save money. In other words, the person wouldn't then have to come back from the United States in order to take care of business. I can understand, if that's the case, how that would be a money-saving event.

What I wasn't clear on was whether or not this was equipment that was.... He made mention of an MRI. Was this equipment that is only accessible in the United States as a particular kind of equipment? A lot of outsourcing has taken place, and that is, of course, the source of a lot of discomfort British Columbians have around this amendment and previous contracts that have been discussed. If it's not equipment that is there in the United States, then it seems to me there would be an additional cost involving this outsourcing — that is, having to bring a person back to Canada every time or not.

If I'm on the right track here, are we talking about specialized equipment in the United States, and therefore that is necessary? If not, it sounds like there would have been an additional cost factor in this outsourcing contract, and I wondered if it had been accounted for.

[1615]

Hon. M. de Jong: I fear I have rather clumsily conveyed an example, so I'll try again. Hopefully, that'll clear up some of the ambiguities that are in the member's mind.

First of all, this is not an outsourcing issue. The MRI example I gave relates to a situation where in a hospital in British Columbia, maybe in the lower mainland, there is a problem with that piece of equipment. I'm told that most of this equipment is supplied and serviced out of suppliers who are located either in the Massachusetts area of the United States or in Germany. So like any piece of equipment, if there's a problem with it, there are some very specialized skills necessary to conduct the repairs.

The first thing the operators here in British Columbia will do is contact — whether it's Siemens, I think, in the case of MRIs or there is an operator around the Boston area.... They'll describe the problem, and over e-mail and the phones they'll get some advice on what they might try to get a sense of whether it works.

With the advent of technology, it is now possible for those people in Germany or Boston to actually look at what the person here in British Columbia — the technician, the person in the facility — is looking at. They can actually transfer that information electronically, and the technicians, from their home base in Germany or Boston, can say: "Hey, you might want to try this" or "You might want to check this" or "I think I know what your problem is. We're going to have to come up." It can also result in confirmation of the need for them to come.

The difficulty that facilities in B.C. have run into is that the way the act is presently worded, even that lim-

ited exchange of information or transfer of information electronically outside of British Columbia technically runs afoul of the act. So what we're trying to do is create a very limited, small window through which just enough information can pass for that technician in Stuttgart or Hamburg or Boston to conduct that analysis, perhaps preclude the necessity of a trip and effect a more speedy repair of the diagnostic equipment located here in B.C.

M. Sather: Thanks to the minister for that information. Certainly, the bottom-line concern for us on this side of the House and for the public has to do with sensitive information of Canadians and British Columbians going to corporations that are centred in the United States, let's say, and therefore — as a previous speaker mentioned — being potentially accessible through the Patriot Act in that country.

One such contract I wanted to ask the minister about has to do with SunGard Corp., another American corporation that specializes in disaster recovery. If there should be a massive failure or some sort of catastrophe such that we would lose our information that's held by government, it could be accessed somewhere else.

My understanding is that SunGard had entered into — I believe, in 2004 — a contract with the government to hold this information and in the process would have been given access to all government data on the mainframe, which was stored off-site in Philadelphia, in the event of disaster here for later recovery. It was also reported at that time that the Ministry of Management Services had been shipping tapes of enormous amounts of government data to SunGard in Philadelphia, and data was sent with no encryption or encoding. I wanted to ask the minister if that in fact had occurred. And if so, has it been rectified?

[1620]

Hon. M. de Jong: I think there are two points I want to emphasize. First of all, nothing in this section of this amendment is designed to authorize storage of information outside of British Columbia or Canada. The part about the section that the member is referring to has application in the scenario I described, but it is not a blanket authorization for the storage of information outside of Canada.

In fact — and I apologize for the delay — the point that has been emphasized to me by staff is that a number of years ago backup tapes, storage of information, did take place in the United States. As a result of the last round of amendments to Patriot Act-proof our privacy protection legislation, that storage now takes place in Canada.

L. Krog: Referring specifically to the (p) section of the amendment, disclosure will be permitted outside Canada for temporary access for storage for the minimum time necessary for "(A) installing, implementing, maintaining, repairing, trouble shooting or upgrading an electronic system or equipment that includes an

electronic system, or (B) data recovery that is being undertaken following failure of an electronic system...."

System maintenance is an ongoing activity. How could this be defined as temporary, then, if it's an ongoing activity? That's what system maintenance often involves.

[1625]

Hon. M. de Jong: I have forgotten the specifics of the.... I will try this. I think the member was asking about the situation involving maintenance, and I'll start with this. This equipment we've been talking about, an MRI machine, as part of a maintenance program....

I am advised that it is generally the case that a very limited amount of information would flow back and forth as part of that distance maintenance program. To that extent, yes. The decision enshrined in this subsection of the act is that the benefit associated with allowing that limited exchange and precluding the need for the technician to travel to the site each time outweighs the risk that the member is referring to.

L. Krog: I thank the minister for his answer, because it clarifies and confirms one of the major concerns we on this side of the House have.

Then it begs the next question. Major system installations or troubleshooting can take months. We're talking about an ongoing activity. It could go on and on and on. So in a situation like that, in fact, it may be necessary, and it will be arguably temporary. But we're not talking a few hours or days. We're talking about the installation. It talks about installing, implementing.

In other words, that disclosure could continue with a person outside of Canada for an extended period of time. That's the way I read the section, and I wonder if the minister can confirm that.

Hon. M. de Jong: I think the member has identified a realistic scenario. The key part of that, though, is it does not imply that the exchange of information or transfer of data would be continuous. There is the other limiting feature of the act, which says that no more information than is absolutely necessary can be conveyed as part of that process.

I won't dispute with the member that where a problem has arisen or there is a major installation, that work might be ongoing for a period of time. That in no way implies that there will be information transferred back and forth during the duration of that. Each circumstance, of course, would be very different, but one does not automatically follow, I would suggest, from the other.

M. Karagianis: To continue in the vein of questioning that the minister just responded to, we have up to this point been talking about MRIs. We've been talking about a very specific kind of information flow, maintenance and upkeep.

In the case of other systems, like EDS systems, this particular system is responsible right now for all of our revenue collections in government. It is a system that has been put in place by a company outside of Canada. In fact, they maintain the entire system. Can the minister perhaps explain how the clauses in this section apply to this ongoing system with EDS?

Hon. M. de Jong: I am reminded that the contract to which the member refers is with a Canadian company. All of the provisions of the act apply to govern the conduct of that company with respect to the protection of information, as they are contractually bound further to respect the privacy provisions. There may be more about the example that the member wants to convey to me, but the contract itself is with the Canadian entity.

[1630]

M. Karagianis: Certainly, I realize that there is a Canadian subsidiary of the American company, but they are responsible for all of the computer programming — the entire system for revenue management. I would anticipate that that includes upgrading of equipment and upgrading of database capabilities and all of those things. Those would come from the parent company, and in this case there would be some kind of relationship between the parent company outside of Canada and upgrading, maintaining the system. In fact, the system is expected to be grown considerably with the new consolidated revenue system. Where does this section actually protect British Columbia citizens from that process?

Hon. M. de Jong: I appreciate the member bringing the example forward, because it does allow me to distinguish between the two circumstances. In the case the member has brought forward, there is a Canadian entity bound by all of the jurisdictional laws and requirements and also contractually bound.

The reason for the need for the exception that this creates — and it is an exception, and that's why I was talking about the MRI example — is that there is no Canadian equivalent. The technicians.... The diagnostic work only exists outside of our borders. In the example that the member has offered — but for a situation in which there's a need to access the expertise outside of the borders, as in the MRI example — you wouldn't need this provision. You certainly wouldn't need it in the case of the example that the member has properly brought forward.

M. Karagianis: I guess, conversely, then, I would ask whether or not, in any of the circumstances where an outside provider is doing maintenance, upkeep, troubleshooting and that, there is the possibility of those outside sources accessing work stations, government systems from outside. In fact, if we can send MRIs or share MRIs with Americans, can they then, as part of the upkeep and maintenance — EDS systems in

particular — access that from externally in order to provide that maintenance and upkeep and troubleshooting? And what is the protection there for government?

Hon. M. de Jong: I hope I answer this correctly. This is not a security issue, so nothing in the amendments we are discussing today is designed to impact on those security arrangements or the entitlement to access the information. The amendment we're discussing actually allows for access where the domestic agency here in B.C. decides that's what they want to have happen. They want that technician in Frankfurt to be able to access the information, so this allows them to facilitate that without breaching the existing FOI and privacy protection laws.

M. Karagianis: It was my understanding that this is about disclosure as well. Part of the process here would be disclosure to our citizens that this kind of information is in fact being accessed or shared.

[1635]

In the case of EDS systems, which is all of the revenue systems currently handled by government.... The expectation under the consolidated revenue management system is that British Columbians should know and have disclosed to them that all of these systems and all of the revenue documents and all of that data within government could be, by agreement, accessed from outside the country or provided to a company outside of Canada for troubleshooting, repairs and that kind of thing. It's my understanding that this is about disclosure — is it not? — and that the citizens deserve to know that we're giving permission for that to occur.

Hon. M. de Jong: I'm not sure that this is.... I hope this answers the member's question. To the extent that we're talking about disclosure, I hope I can convey to the member.... The Canadian service provider has access to this information. They will continue to have access to this information; that's the work they do.

This is about reinforcing that this information isn't going to be available to people outside of our borders except in a very specific example as enumerated under the section for very specific purposes. But agencies which have legal access within Canada to the information — in the example that the member has given — will continue to have access to that information in accordance with the provisions of the law.

L. Krog: Referring again to (p) of the proposed section, it talks about: "(ii) in the case of disclosure outside Canada, (A) is limited to temporary access and storage for the minimum time necessary for that purpose...."

Obviously, the ambiguous term "temporary" gives the opposition cause for concern, so the real question for us is: who is to be held accountable for such disclosure? And what mechanisms will ensure that such in-

formation is not copied, distributed or stored once it has, in fact, left the country under this section?

Hon. M. de Jong: The best answer I can give is the one I gave earlier. That is that ultimately, the recourse from the Crown in the right of the province of British Columbia is to that agency or service provider with whom we have the relationship.

L. Krog: Obviously, as the minister can determine from the lengths of the questions here today, the opposition has significant problems with section 12. Accordingly, I would move an amendment to section 12, which is simply to amend it as follows:

[Section 12, by deleting the section.]

The Chair: Member, that amendment is not in order. An amendment to delete a section is not in order. The proper course is to vote against the section.

[1640]

L. Krog: With respect, finally, one question.

We suspect that the term "the minimum time necessary", if not better defined.... Folks in foreign countries would have ongoing access to what would otherwise be FOIPPA-protected data. People will have ongoing access to do maintenance work. Or will they have ongoing access as they are assigned from project to project?

The minister is looking a little perplexed. It's a tough question. I appreciate that. We suspect that if the term "the minimum time necessary" is not better defined, people in foreign countries will have ongoing access to freedom-of-information and privacy-protected data. People will have ongoing access to do maintenance work. Or will they have ongoing access as they are assigned from one project to another? In other words, you've got the troubleshooter; he's moving from project to project.

Hon. M. de Jong: I wonder if I just might probe a little bit. The question suggests that the troubleshooter who is moving from project to project.... The suggestion is that the pool of data or information he or she has access to is the same. Is that the essence of the question?

L. Krog: Yes, if it's a database, that would certainly be the concern. I'd appreciate the minister's comments on that.

Hon. M. de Jong: I wonder if I might offer this to the member by way of assurance. The responsibility for defining what is reasonable in terms of the temporary nature of the access does not fall or accrue to the individual or agency located outside of the country. It is for determination by that agency located here, in concert with the guidelines and principles enunciated in the policy guidelines that will flow from the passage — if it does — of this section. I don't want to leave the impression that responsibility for definition and application of these principles and these terms falls to someone outside of the jurisdiction.

[1645]

Section 12 approved on the following division:

YEAS — 41

Falcon	Reid	Coell
Ilich	Chong	Christensen
Les	Richmond	Bell
Bennett	Roddick	Hayer
Lee	Jarvis	Nuraney
Whittred	Horning	Cantelon
Thorpe	Hagen	Oppal
de Jong	Campbell	Taylor
Hansen	Abbott	Penner
Neufeld	Coleman	Hogg
Krueger	Lekstrom	Mayencourt
Polak	Hawes	Yap
Bloy	MacKay	Black
McIntyre		Rustad

NAYS — 32

S. Simpson	Evans	Fleming
Farnworth	James	Kwan
Brar	B. Simpson	Cubberley
Hammell	Coons	Thorne
Simons	Gentner	Routley
Fraser	Horgan	Lali
Dix	Trevena	Bains
Robertson	Karagianis	Ralston
Krog	Austin	Chudnovsky
Chouhan	Wyse	Sather
Macdonald		Conroy

[1650]

Sections 13 to 16 inclusive approved.

Section 17 negatived.

On section 18.

L. Krog: Just what's the purpose of this particular section?

Hon. M. de Jong: The member may know or recall from a previous bit of legislation that has allowed for the creation of something called a health information bank. This helps establish some of the legal parameters around which those information banks may be kept: the access people have, the statutory guarantees around the protection of privacy. The short answer is it relates to the provision that was part of, I believe, the health statutes amendment bill passed by the House a week or so ago.

Sections 18 to 49 inclusive approved.

On section 50.

L. Krog: I had the pleasure some years ago of serving on the Public Service Appeal Board, a body that conducted hearings with respect to employees who were dissatisfied with the decisions made by the ministry with respect to employment. The effect of this section, as I understand it, is to delete a significant number of individuals from the protection afforded by that statute. I'm wondering why it is in fact necessary for that to occur.

Hon. R. Neufeld: The reason for it is that the commission has never been able to fully staff to meet the growing needs of what the commission has to do. In the last four years the workload has increased by at least 100 percent, but we're having difficulty retaining staff, with the great economy that's going on in northeast British Columbia. The member may smile, but in fact it is true.

There are certain levels that need to be attained by the staff that work at the Oil and Gas Commission so we can actually fulfil the duties that it's supposed to fulfil. This will actually allow the commission to set wages that are closer to what is required to keep people in that part of the province.

[1655]

What happens is.... It was happening to a lesser amount numbers of years ago, too, that people working for the commission would work for a while and learn some stuff about the oil and gas industry, and the industry itself would actually come and lure those people away with higher wages or whatever other kind of benefits they could.

What we're doing here is we're going to actually maintain the union. They will be in the union. They will still be covered by the public pension act. What will happen is that the commission will be able to work with those employees to try and facilitate, maybe, different hours of work that are difficult to do under the provisions that are there now and, also, remuneration to actually encourage and keep people working in the commission.

The turnover has been pretty substantial. In fact, some places — Fort Nelson, for instance — are having a hard time keeping anybody, just simply because they go up there, and they're lured away fairly quickly. This is only a way to actually try to get up to a full complement of staff and to start paying the wages that we have to pay to keep those people there.

The Chair: I would just remind members that it's not parliamentary to comment on an individual member's demeanour in this chamber.

L. Krog: Thank you, hon. Chair. You've stolen an opportunity for a small amount of humour between the minister and me, but I appreciate those are the rules of the House.

Just to confirm, I understand the minister's answer to be essentially that this component couldn't negotiate decent wages with the existing structure, so now we're going to shuffle them out from under the protection of the Public Service Act so, in fact, they'll have access to

better wages. That's sort of what I got out of the minister's response. I'm just wondering if my understanding is correct.

Hon. R. Neufeld: The intent of this change in the legislation is to attract people to work at the Oil and Gas Commission, pay them accordingly and work with them in trying to facilitate work routines that facilitate the work that has to be done at the commission.

Section 50 approved on division.

Sections 51 to 55 inclusive approved.

On section 56.

L. Krog: This particular section, as the minister is well aware, has created a great and appropriate public reaction amongst municipal governments across the province. This section, on the face of it, appears to be some bit of innocent housekeeping but in fact appears to provide that municipal zoning and municipal regulation will be superseded by the provincial government. I'm wondering if the Attorney General can confirm that.

Hon. R. Neufeld: Actually, there are some qualifications. This applies to Crown land only. They have to have a power-purchase agreement with either Powerex, B.C. Hydro or Fortis. They have to have completed all the processes that would have to be done federally or provincially, as in permits, DFO. All of those processes they must complete before this would take place.

[1700]

G. Robertson: I would like to ask the minister, specifically on section 56.... A number of concerns have been voiced to me in my office from municipalities, from regions around the province.

I have the great benefit of having lived in a number of regions around the province in the past — the Fraser Valley, up the coast, the Cariboo — and have lots of connections. Great concerns have flowed over the past days concerning section 56 and what they consider a direct assault on local government authority, which is reprehensible, unacceptable and should not be — I repeat, should not be — passed into legislation in this House.

No doubt the minister is familiar with the concerns of a number of these regional districts and municipalities. I'm sure their voices have been heard. I should hope they've been heard. The communications have been loud and clear, written and verbal. Certainly this trust with the levels of government, with local government, is in dire danger with this piece of legislation.

Overruling local government zoning authority is no small matter. I express the concern on behalf of the many people around the province who have come to me raising this as a big issue and one that will not go over smoothly, particularly given the commitments

that this government has made on paper with an MOU to UBCM. I can't for the life of me understand how this government can go back on its word — its signed word — to local governments that they would respect the autonomy, the authority of local governments.

I'm curious: with section 56, what authority and autonomy will local governments have over IPPs on Crown land in the future?

Hon. R. Neufeld: What will happen is that we will continue to work with local government, wherever those projects may be across the province, to have discussions. They will continue to have input into whether or not projects should move forward, but at the end of the day the sole decision-maker will be the province of British Columbia. Other than if it's on private land, then the bylaws or zoning of a municipal or regional district will actually apply.

This puts it in the same form that B.C. Hydro now is. B.C. Hydro is not subject to local zoning. It hasn't been for as long as B.C. Hydro has been around, so these independent power producers must have a contract with either B.C. Hydro, Powerex, which is an arm of B.C. Hydro, or Fortis, which provides electricity in the Kootenays.

It puts it on the same level as mining is — also with a single decision-maker. Local zoning does not affect decisions about mining. That's one decision-maker — the province. Forestry is also exempt. Oil and gas are also exempt. So it puts independent power producers on the same level as those interests, and those interests are in the public interest of the province as a whole. That's why we're moving forward with that.

G. Robertson: The minister refers to section 56 as basically levelling for IPPs this authority or autonomy away from local government.... What's not clear to me here is the authority or autonomy over local watersheds. The difference here is that there's water at play.

Certainly, B.C. Hydro has this similar authority. B.C. Hydro is a publicly owned utility. The last time I checked, it was a publicly owned utility. IPPs are not publicly owned utilities by their nature and end up with what are, in effect, water rights in watersheds in local communities.

[1705]

Will the minister comment specifically on that point? Are there water rights that are not under the authority or autonomy of local governments? Or does this distinguish this authority and autonomy to the province for IPP water rights, effectively superseding the local governments when, in fact, they currently have authority and autonomy over the water in those watersheds?

Hon. R. Neufeld: Whether it's an independent power producer or B.C. Hydro, the Crown still owns the water across British Columbia. A water licence would have to be issued, whether it's with B.C. Hydro or an independent power producer, to generate electricity.

N. Macdonald: Section 56 of Bill 30 removes local government from zoning decisions related to independent power projects on Crown land, and it defies a written agreement between the provincial government and the representative of local government. The regional district of Squamish-Lillooet passed a resolution condemning this break of faith by the provincial government and demanded the removal of section 56 from Bill 30. Past presidents of the Union of B.C. Municipalities have condemned section 56. The Okanagan Mainline Municipal Association, at its annual general meeting, passed a resolution condemning section 56. Over this past weekend the lower mainland local government association passed a resolution calling for government to abandon its plans to remove local people from land use decisions. As well, the executive of the Union of B.C. Municipalities has passed a motion demanding that the government reconsider.

Given that the government has a memorandum of understanding with the UBCM where the province committed to respectful process, how can the government support this section?

Hon. R. Neufeld: Yes, in the fall of 2004 the government actually signed a memorandum of understanding with the UBCM to begin discussions in regards to independent power producers, and they're across British Columbia. Those discussions went through 2005. In March of this year the UBCM was informed by both the Deputy Minister of Energy and Mines and the Deputy Minister of Community Services that we felt the MOU had reached its conclusion. We received out of it what we could actually receive out of it, and we would have to think about how we were going to deal with the issue.

N. Macdonald: I draw your attention to the memorandum of understanding and the language that is there. It is clear the province entered into an agreement on how they were going to handle independent power projects. Is the minister saying that it's acceptable to arbitrarily step away from that, to now go on its own and to leave the UBCM out of the process altogether?

Hon. R. Neufeld: I'm not going to repeat my answer. They had some pretty fulsome discussions with the UBCM — the ministries that were all signatory to the agreement — to discuss issues around independent power producers. The UBCM was informed in March of '06 that we had probably received — without sitting there for another year talking about the same issues over and over again and not getting to resolve some of them — the information that we could, and we were going to see what we could do to move forward.

N. Macdonald: The inconsistency is with the principles that the minister and this Premier espouse consistently about the value of local government, the importance of local government being part of decisions such as this. This goes against speeches, the service plan for Community Services and answers to questions.

Consistently, from 1993 on, the person who is now Premier talked about a certain way that local government was going to be dealt with. I fail to see how this is in any way consistent with what the Premier said, what the Minister of Community Services has said and, in fact, what was promised to the UBCM with this memorandum of understanding.

[1710]

The question is: will the minister reconsider? Will the minister enter into a process that they have already agreed to, which is the reasonable process that leaves decision-making in the local area — where it should be?

Hon. R. Neufeld: An interesting comment the member made at the end, saying that the decision should be at the local level. I want to draw the member's attention back to the '90s. For ten years the NDP, which the member is a part of, was in government. Not once did they bring forward a piece of legislation that would say local zoning would apply to B.C. Hydro. Not once did they bring forward legislation that said local zoning would affect mining across the province. Not once did they bring forward a piece of legislation that said forestry would actually abide by local zoning, and not once did they bring forward an amendment of any kind about oil and gas that said it would be subject to local zoning.

There are some things that are in the best interests of all British Columbians, regardless of where you live. The member, I think, knows well that where he comes from.... Me, too — where I come from. A lot of the electricity is generated either in the Kootenays or in the Peace country. It is in the general public good that we enjoy almost the lowest hydro rates in all of Canada, and we want to continue to do that. We want to continue to be able to provide the electricity that British Columbians need.

We're in a position now where last year we imported almost 13 percent of our demand in the province. We need to look towards how we get to self-sustainability in British Columbia. I think it bodes well, regardless of who you are or what party or philosophy you believe in, that we should actually be self-sufficient. I mean, if the members don't think we should be self-sufficient, I'd be interested in hearing that, but I think we should be.

We have worked very successfully with the UBCM, very successfully, and I know our position will continue to be that. We will continue to work with regional districts and municipalities, wherever it applies, in dealing with independent power production across the province and how it affects different communities. We know that. We're not cutting off that discussion. I mean, if B.C. Hydro moves forward with a project, they have discussions at the community level. We will with IPPs also.

In fact, the Utilities Commission Act, section 121, almost states that we could move forward on that act the way it is. What we're doing is clarifying that section so that everybody understands what that section actually means.

We will continue to work cooperatively with the Union of B.C. Municipalities and with communities across the province, as we have been.

S. Simpson: They're interesting — the minister's comments about working cooperatively. Clearly, the Union of B.C. Municipalities doesn't feel like the government has been very cooperative, considering that their executive passed a resolution this weekend asking the government to withdraw section 56 and go back into discussions with the UBCM to try and find an actual solution.

I want to ask a question in relation to this memorandum of understanding as well. The minister was one of the three signatories to this on behalf of the government. It says that the province and the UBCM share the common goals of fostering cooperative intergovernmental relations, recognizing the jurisdiction and accountabilities of both orders of government, facilitating the responsible development of clean renewable energy resources to meet the energy needs of British Columbians, and providing efficient and effective IPP review and approval processes for both orders of government.

My question for the minister is: does he still support those common goals that he signed onto in September '04?

[1715]

Hon. R. Neufeld: In fact, I said this earlier in response to the last question. We will continue to work with the UBCM. We will continue to work with communities across the province as independent power producers are going to be required to provide the incremental hydroelectricity moving forward — the same as we would if B.C. Hydro were doing it. Those discussions would still be there.

What we tried to do with the memorandum of understanding and what we gleaned from that was to work with the UBCM and with the people they had appointed to that committee to get as much information as we possibly could, so that we can actually get British Columbia back on track and start generating some electricity here so that we're not dependent on the open market.

S. Simpson: I appreciate the minister's answer, but it wasn't the answer to the question. I asked the minister whether these common goals, which are very specific, that were signed onto by the government, including by this minister who signed his name to the document.... Does the government, this minister, still support these goals? Maybe the second part of the question would be: if you don't support these goals, then what do you support?

Hon. R. Neufeld: I appreciate that the member may not like my response. I understand that. Actually, a lot of the good news that happens in the province of British Columbia the members opposite don't like anyhow, so I fully understand that. I'm going to say it again, and I said it before two or three times.

We will continue to work with the UBCM to facilitate whatever discussions we can have on issues surrounding IPP development across the province of British Columbia. When I say across, I mean from north to south, from east to west — wherever it happens.

We will continue to work with those regional districts or those communities and the UBCM to make sure we listen to all their concerns. I can tell the member that there are regional districts, local governments, who agree with what we're doing. They do believe it's in the public interest and in the good of everyone to actually have some of these things done as a single decision-maker — the same as all the other ones I listed out.

I'll ask this member, because he's just started questioning me: if he believes strongly that all power production should be dealt with, with local zoning, why wouldn't his party — in the ten years they were in government — have actually brought forward that kind of legislation? Actually, they didn't. In fact, I can probably go back and cite quite a few instances where they didn't even go to the B.C. Utilities Commission and just told Hydro to do certain things in different areas of the province without any consultation with local government. I don't think I want to get into that. I can, if the member so wishes.

What I want to put on the record here is that the sole decision-maker for independent power production across the province, which is in the interests of every British Columbian regardless of what philosophy you believe or where you live, is to the benefit of all of us. That has to be one single decision-maker so that we can move those projects forward with consultation, with people affected, the same as we do for all the others — oil and gas, forestry, mining or B.C. Hydro — to continue to get this province back to where we should be today, which is self-sufficient. For ten years not much was built to keep us self-sufficient.

S. Simpson: My understanding is that now that he's ripped up the memorandum of understanding and told the UBCM and local government they no longer have a role to play in questions around independent power, maybe he could tell us about the Utilities Commission's role. It appears now they will play that role — solely the Utilities Commission.

[1720]

As the minister will know, projects under 50 megawatts have very limited requirements around environmental assessment, around consultation. It's very limited. Could the minister tell us: how does he envision dealing with some of those questions of consultation on matters that are more involved than simply price and security of service on these projects when there isn't any role for local government or, for that matter, for anybody else to be engaged in a consultation that's required?

Hon. R. Neufeld: I want to put on the record and correct on the record that we did not tear up an MOU. We actually signed an MOU in the fall of 2004. We had

those discussions up until early this year in March with the UBCM, its executive and different agencies and organizations. We had that discussion, and they were informed that we thought, as government, that we'd reached about as much information as we could with that MOU.

We also told them that we want — as I've said and put on the record quite a few times — to continue the discussion, as we move forward under different processes, as to how we can actually include municipalities or regional districts that would be directly affected with independent power production that would happen close to their borders, I would assume, or actually on areas where they had some concerns. We want to continue to have that discussion with the UBCM so that they understand — in fact, they do understand — that we want to continue those discussions so these projects can move forward in a harmonious fashion.

S. Simpson: The minister may have some interpretation of what the UBCM understands. What I understand is that the resolution they passed on the weekend says they're opposed to this decision. They think it's wrong, and they think that the government should reverse it — the same as municipal associations across the province have said; the same as regional districts have said; the same as local governments have said. I'd be happy to have the minister produce that list of all those local governments who think this is a great idea.

I want to get back to the question around this process issue. It is my understanding that the Utilities Commission now will have responsibility. I can think back to the Terasen Gas situation when the Utilities Commission quite rightly.... Under their mandate and their idea of community interests, their view is the price and ensuring the security of the delivery of the service. I accept that.

But these projects involve a whole lot more than that, as the minister will know. The regional district in Squamish-Lillooet asked this minister to actually sit down in a cooperative fashion and develop a strategy that would allow this whole array of projects to go forward in their region. The response to that was this legislation.

Could the minister tell us: if the Utilities Commission is the single player with their regulatory approach and their approach to consultation, then how do communities get involved in this process? We know the Utilities Commission doesn't tend to go on the road all that often on small projects. How do people in outlying communities get to talk to the Utilities Commission if nobody will come and talk to them? At least their local government or regional district is there to talk to them.

[1725]

Hon. R. Neufeld: Actually, the role of the Utilities Commission will be to review the electricity supply contracts with B.C. Hydro, not individual projects. That's where the B.C. Utilities Commission will come into place. Projects that are over 50 megawatts, obviously, will have an environmental assessment process. That's the cutoff. Anything larger than 50 megawatts must go through the EA process.

That usually also brings the federal government process into light. Actually, there's room for discussion there. For those projects that are below the 50-megawatt threshold, there is a process that takes place through Lands and also through the Ministry of Environment for enhanced water licence applications, where discussion can take place and local issues can be made known.

Again, I want to stress that the government is actually desiring to continue to work with the UBCM to enhance how we have those conversations with those communities, wherever they might be affected. In fact, I have committed to a meeting with the UBCM, I think, later this month to discuss some of those issues and to talk about how we can have that enhanced discussion with the UBCM and with any affected community, whoever they might be or wherever they might be.

S. Simpson: If the Utilities Commission doesn't make these decisions, if they're dealing with the energy supply question — which is fine — then could the minister maybe tell us who in fact will make the decisions within his ministry on these projects? What will their criteria be to deal with the issues that may have been dealt with through zoning?

Hon. R. Neufeld: The main decision-makers the member requests me to name are the Land Act and Agriculture and Lands, obviously, for land tenure. The water licence would be under the Ministry of Environment and also, in many cases, DFO — the Department of Fisheries and Oceans.

G. Gentner: I'm intrigued. I want to know: exactly what's the meaning of IPPs? I know it's a simple question. But for the record, are we talking here about what IPPs are going to be affected by this legislation? Are we talking about run-of-the-river projects, or are we also talking about possible power from wind companies?

Hon. R. Neufeld: Independent power producers — IPPs. The ones that would be dealt with under this act are those that have a contract, a power purchase agreement, with B.C. Hydro, Powerex or Fortis for delivering electricity domestically in the province and would encompass all forms of generation of electricity.

G. Gentner: Therefore, all forms of electrical power would include incineration of garbage for power — if I have it correct. For example, let's talk about Compliance Coal Corp. It has a lease to extract coal at Tulameen basin for use of a thermal, coal- and wood-burning plant in Princeton. That would be seen as an IPP?

[1730]

Hon. R. Neufeld: Only if they have a power purchase agreement with B.C. Hydro, Powerex or Fortis.

G. Gentner: Therefore, if Compliance was to get a call in Princeton, they would not have to abide by any

of the regulatory authorities or local government zoning bylaws by the district of Princeton?

Hon. R. Neufeld: I don't know how much clearer I can make it. It has to be on Crown land — the project. The project has to have an energy purchase certificate with B.C. Hydro, with Powerex, with Fortis — for domestic use, not for export. I think that is about as plain as I can make it.

G. Gentner: I'm glad we got that straightened out — that if a coal-burning plant was to, through Crown land, get approval for the call, it would be exempt from local jurisdictions. That would also mean other types of IPPs, such as a natural gas company that could want to burn natural gas for generation of power as well?

Hon. R. Neufeld: All forms of generation.

G. Gentner: Now we know the criterion is quite large. All power producers, whether it be coal-burning or necessary run-of-the-river, could have their process expedited by not following local government rules and regulatory authorities. My question therefore is: would the municipal authority have any say on setback requirements relative to storage of coal at a coal-burning plant?

Hon. R. Neufeld: Yes, and we would still have discussions with the communities, whoever they are or wherever they would be, in regards to these issues to make sure that community concerns are taken into account before approvals can go ahead for this type of project.

G. Gentner: If a coal-burning plant was to haul coal to its plant, it would not have to follow the weight restrictions of a local road?

Hon. R. Neufeld: It would have to follow the weight restrictions of a local municipality if in fact....

G. Gentner: I'm confused now. My understanding is that this new section eliminated the authority of the local government in the name of the needs of producing power. So how is it the weight restrictions would apply here and other regulatory authorities imposed by local government wouldn't?

Hon. R. Neufeld: Weight restrictions would be applied on provincial highways the same as weight restrictions would be applied on municipal highways. That's normal process that takes place.

It is much different than what we are talking about in this section, which is that at the end of the day if independent power producers meet certain criteria, there will be one decision-maker, which will be the province of British Columbia, similar to all of our other industrial activities in the province.

G. Gentner: Just a few quick questions. How would this new section work with the local government

streamside protection bylaw? Would they not be voided?

[1735]

Hon. R. Neufeld: It would respect streamside setbacks as long as they were reasonable and had some good process into setting those distances.

G. Gentner: Reasonable setbacks is an arbitrary decision made by this ministry.

The question I have, also, is relative to the utility corridors to an IPP. These utility corridors — whether it be gas lines, transmission lines — are necessary in order to produce power. What type of authority could the local government exert to prevent or look after its own interest in the location of these utilities? Will the IPP have authority to determine where they go, with help from the ministry?

Hon. R. Neufeld: Utility corridors are now exempt — most of them, if not all — from municipal bylaws. We would expect that the independent power producers would work with communities, as we have talked about — for the best interests of everyone — to actually site their lines.

C. Wyse: I will need a brief second or two to lay the groundwork for this question. A couple of weeks ago I attended, as other members from this House did, a meeting with the North Central Municipal Association up in Fort St. John. I was approached by locally elected people as well as residents of that area around this particular bill and this particular section.

I know the minister has addressed the comments around the actual broken promises, the memorandum of agreement with the UBCM, and in one aspect has addressed the local issues being removed out of local government. However, in discussions with residents of this area, and in a tour they took me on, they were able to show me clearly that there are easily situations that may be developing and under consideration in that part of the province for IPPs, for windmills, that, in actual fact, given the conditions as is understood, would allow for the erection of up to three windmills to be within 500 metres of individual residents who have been in that country for a very, very long period of time.

Needless to say, that raises concerns with residents in that part of the province. Likewise, they showed me the effect that sour gas dispersal has had upon residents up in that area and how the lack of controls has led to sour gas being let off in the area of communities of up to 100 to 200 people.

Madam Speaker, what we've heard so far is information around how the local governments may have the possibility for addressing these issues, but my question is on behalf of the local residents who have had the local governments disenfranchised. This my question to the minister: how are local residents to address the locally driven questions of a land usage nature, given that local planning has been removed for

IPPs and whereas, in actual fact, in the past the local residents approach had been through the local government?

[1740]

Hon. R. Neufeld: First off, and I've been saying this from the start, independent power producers and the ministry will continue to work with individuals, regardless of where they're at in the province, about siting, about setbacks. In fact, we'll actually enjoy having that input from local residents as to how they feel about some of these projects. We will move forward on that note.

The member brought forward something that actually doesn't have anything to do with the section. It's sour gas. Maybe I should put on the record that we have initiated a committee structure in South Peace, in North Peace and in Fort Nelson to discuss with residents a whole host of issues as they relate to the oil and gas industry, not just sour gas.

I'd like the member to actually tell me where excessive amounts of sour gas were released inside of communities of 200. Maybe later on he could tell me where they are. I know that sour gas is a by-product of some development of oil and natural gas, and the ministry has some pretty stringent rules around sour gas and what can be released and what can't be released.

C. Evans: This debate has been pretty high-level and almost theoretical, and I'd like to bring it down to a specific in some of the time we have left. The specific I'd like to discuss is the Cascade Canyon power project proposed for the Kettle River, where the Kettle River, after it runs from Grand Forks area to Christina Lake, runs through a canyon. The fall as the river runs through the canyon is quite terrific — creates white water and wonderful visuals. It is right next to the Trans Canada Trail and ultimately winds up at the community swimming hole and next to the golf course.

At the turn of the previous century a company had a proposal to take some of the water in the canyon and run it in a penstock down to where the swimming hole is and put it through a power plant to sell electricity in Grand Forks. The project didn't last very long. It has been reinvented a hundred years later by Seabreeze, who desires to take 50 percent of the July flow, put it in a penstock and run it down to a power plant.

Using all that as background, it's my understanding that the regional district director, the previous regional district director, the regional district itself and the chamber of commerce all oppose this project. The reason for that is not because they don't like industrial development. On the contrary, it was a sawmilling town. There was a sawmill there, and they closed the sawmill, and the town is trying to survive by moving to a tourism economy. People go there to experience the canyon and Trans Canada Trail and the river and the various amenities. This idea of putting an industrial plant right where the last sort of community value that might create economic development is, is anathema to the local folks.

My first question to the minister has to do with the present system before we pass this law. Am I correct in understanding that the local regional district could preclude the power project at present by zoning this land for non-industrial uses?

Hon. R. Neufeld: Because the member brought this up during second reading debate, I actually had the ministry do a little work prior to discussion on the sections. As I understand, and as I'm told by the ministry, currently the way the act stands, it could probably go ahead, whether the regional district agreed to or not. With this amendment, actually, it can't go ahead because the powerhouse would be located on private land.

[1745]

I'll go back to some of the parameters you have to have to actually have this change apply: (a) it has to be totally on Crown land; (b) they have to have a power purchase agreement with B.C. Hydro, Powerex or Fortis. Because part of it is on private land, I'm told that the regional district has the ability to actually zone it, and so I think we move forward from there.

Just so the member knows, this is in environmental assessment process as we speak, so I'm not going to want to get too deep into that particular project. It's ongoing and reaching its final stages.

DFO has had an opportunity to be in there, as I understand. The environmental assessment process has worked on that project, and there's been an awful lot of local input. I think the member is quite correct in what he says — the input they've received — but I hope he understands a little better now what this act would do.

C. Evans: Thanks to the minister for his explanation of the private land issue. I take it that what the minister is suggesting is that although the act applies to the Crown land part of the project, the regional district could still zone the private land in the way they desire and preclude going ahead.

However, in order that other people in the province with similar examples would understand this debate.... Should the power plant be legal and the act be passed, it is my impression that then, because it's all on Crown land, whatever zoning steps the local government might take would become irrelevant and cabinet would make a decision.

My questions are: what happens then? Will there be a formal cabinet debate on applications such as Cascade Canyon in future, or will the debate happen purely at a regulatory body, like the BCUC?

The Chair: Members, matters happening in cabinet are not for discussion in this chamber.

C. Evans: Asking a question of the Chair. Is that...?

An Hon. Member: It's a process question.

C. Evans: Through the Chair to the minister, then: will the government be involved in saying yes or no at

any point on a power project if it is acceptable in the regulatory regimes?

Hon. R. Neufeld: If a project actually has all the approvals I spoke about earlier that are required by the project — it is actually entirely on Crown land, and the project has a power purchase agreement with Powerex, B.C. Hydro or Fortis — then hypothetically, yes. That process could go ahead.

C. Evans: That was exactly the answer I was afraid of, and it leads me to my last question. If we are in this legislation precluding local government from acting in a democratic way to represent the feelings of local citizens — and the answer the minister just gave is that theoretically, if the regulatory regime agrees, government doesn't ever actually have to make a decision — how would a citizen who was for or against a proposal speak to a politician ever again who has decision-making power on a power project to which this legislation applies?

[1750]

Hon. R. Neufeld: The public will actually have quite a few opportunities to have their input, whether they agree or disagree with the project, much as they do now. Whether it's, as I said, a B.C. Hydro project where there's one decision-maker, whether it's mining where there's one decision-maker, whether it's forestry where there's one decision-maker or whether it's oil and gas where there's one decision-maker, the process will be the same.

If they have to go to the Minister of Agriculture and Lands, there will be an opportunity there for people to bring forward their concerns. And they would have to go — let's say if it was run of the river — to the Ministry of Environment, obviously, because of the water licence issue, so there would be opportunity for them to say yea or nay to those projects.

I said at the outset that what we want to do is work with the UBCM. In fact, I've asked the UBCM how we can work together to make sure that that process allows for that kind of input from the people across the province on projects that may happen in their areas.

[1755]

Section 56 approved on the following division:

YEAS — 42

Falcon	Reid	Coell
Ilich	Chong	Christensen
Les	Richmond	Bell
Bennett	Roddick	Hayer
Lee	Jarvis	Nuraney
Whittred	Horning	Cantelon
Thorpe	Hagen	Oppal
de Jong	Campbell	Taylor
Bond	Hansen	Abbott

Penner	Neufeld	Coleman
Hogg	Sultan	Krueger
Mayencourt	Polak	Hawes
Yap	Bloy	MacKay
Black	McIntyre	Rustad

NAYS — 32

Lekstrom	S. Simpson	Evans
Fleming	Farnworth	James
Kwan	Brar	B. Simpson
Cubberley	Hammell	Coons
Thorne	Simons	Gentner
Routley	Fraser	Horgan
Lali	Dix	Trevena
Bains	Karagianis	Ralston
Krog	Austin	Chudnovsky
Chouhan	Wyse	Sather
Macdonald		Conroy

Section 57 approved.

Section 58 negated.

Section 59 approved.

Title approved.

Hon. W. Oppal: I move the committee rise and report the bill complete with amendment.

The Chair: Time has been waived by consent.

Motion approved on the following division:

[1800]

YEAS — 43

Falcon	Reid	Coell
Ilich	Chong	Christensen
Les	Richmond	Bell
Bennett	Roddick	Hayer
Lee	Jarvis	Nuraney
Whittred	Horning	Cantelon
Thorpe	Hagen	Oppal
de Jong	Campbell	Taylor
Bond	Hansen	Abbott
Penner	Neufeld	Coleman
Hogg	Sultan	Krueger
Lekstrom	Mayencourt	Polak
Hawes	Yap	Bloy
MacKay	Black	McIntyre
	Rustad	

NAYS — 31

S. Simpson	Evans	Fleming
Farnworth	James	Kwan
Brar	B. Simpson	Cubberley
Hammell	Coons	Thorne
Simons	Gentner	Routley
Fraser	Horgan	Lali
Dix	Trevena	Bains
Karagianis	Ralston	Krog
Austin	Chudnovsky	Chouhan
Wyse	Sather	Macdonald
	Conroy	

The committee rose at 6:01 p.m.

The House resumed; Mr. Speaker in the chair.

Reporting of Bills

MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2006

Bill 30, Miscellaneous Statutes Amendment Act (No. 2), 2006, reported complete with amendments.

Mr. Speaker: When shall the bill be reported as amended?

Hon. W. Oppal: With leave of the House, now.

Leave granted.

Third Reading of Bills

MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2006

Bill 30, Miscellaneous Statutes Amendment Act (No. 2), 2006, read a third time and passed on division.

Standing Order 35

(continued)

Hon. M. de Jong: Just before we recess, I promised to get back with an additional submission or two on the request made by the member for Cariboo North. I'd only add this.

Under the tests enumerated — and I'm thinking of the decision by Speaker Barnes and also by Speaker Shantz — I commented earlier about the question of the test of urgency. I would urge upon you, Mr. Speaker, to be cognizant of the fact that ongoing matters do not qualify under the provisions of Standing Order 35. Whatever merits there are in the member's request for the debate, this is very much, in my view, an ongoing matter.

The other point I would make is that the urgency, as has been discussed frequently in this chamber, is of

debate and not the matter itself. I do note, and I checked, that the subject matter the member refers to in his proposed motion was very much in the public domain at the time forestry estimates were ongoing and, in fact, were discussed there as well. Those were concluded on May 4.

That is a decision of Speaker Shantz in the B.C. *Journals*, 1961, page 97, which I think is relevant and on point. I don't want to belabour the point, but in my view the application pursuant to Standing Order 35 must therefore fail.

M. Farnworth: I would make the following additional points in response to the Government House Leader's comments. What was important was the fact that we brought new information to the House around this. That is something that the Speaker must weigh very heavily on.

The opportunity to debate something that is of considerable importance to this province, on our largest industry, is based on an agreement that was signed whereby the agreement was asked to be dealt with in a very short space of time. That must weigh on the Speaker's ruling in terms of the urgency. I would ask the Speaker to take that into account.

Mr. Speaker: Thank you both, the Opposition House Leader and the Government House Leader. I will report back sometime after the dinner break.

Hon. M. de Jong: Which I am going to suggest extends to 7 p.m., with the concurrence of the House. Recess to seven?

Mr. Speaker: This House stands recessed until seven o'clock tonight.

The House recessed from 6:05 p.m. to 7:01 p.m.

Standing Order 35 (Speaker's Ruling)

Mr. Speaker: Hon. members, I will read the ruling.

Earlier the hon. member for Cariboo North sought leave under Standing Order 35 to move adjournment of the House for the purpose of discussing a definite matter of urgent public importance: namely, the provincial and federal governments have fast-tracked the final softwood agreement with the United States to conclude as early as June 15, and the House should be adjourned in order to address the question of surrender of sovereignty that both the federal and provincial ministers have accepted as a feature of the agreement.

In support of his application, the hon. member for Cariboo North specifically noted that the accelerated nature of the negotiations has not provided for any public review of the agreement and its terms. He also noted that the availability of new information regarding the proposed agreement was recently confirmed by the federal International Trade Minister.

The Government House Leader responded briefly to this submission just prior to the dinner break. In his remarks, he reminded the Chair that the issue of softwood lumber negotiations has been ongoing in nature and that this new information with respect to the ongoing dispute should not successfully qualify the member's application of Standing Order 35 for an emergency debate on this issue. I thank both members as well as the Opposition House Leader for their helpful comments in this matter.

An examination of the *Journals* of this House will reveal many Speakers' opinions which set forth the essential criteria consistently applied to Standing Order 35 applications. The criteria adopted in this House as well as other provincial legislatures are taken from the practice at Westminster set forth in May's *Parliamentary Practice*, 22nd edition, page 309 to page 311. Among the special restrictions which the Chair must apply is the requirement that the matter must be of recent occurrence and that there is a proven cause for urgency of debate, not simply urgency of important matter at hand — see MacMinn's *Parliamentary Practice in British Columbia*, page 62.

Hon. members will be well aware that the issues relating to softwood lumber negotiations have been ongoing for more than four years. In fact, members have had the opportunity to discuss the negotiations in this House numerous times during this session, including recent instances during oral question period and estimates for the Ministry of Forests and Range — see *Hansard*, May 1, 2 and today, May 15, 2006.

It may be argued that the confirmation of the new information as described by the member for Cariboo North ought to convert the matter from the ongoing status to one of recent occurrence. However, long-standing practices of this House illustrate that the fact that new information has been received regarding a matter that has been continuing for some time does not, in itself, make the matter one of urgency. Although only three days in this spring session remain, I remind the members that other parliamentary opportunities for debate on this matter are available.

The issue raised by the hon. member for Cariboo North is manifestly of great importance, but nevertheless, for the reasons stated, I must rule that the matter fails to qualify under Standing Order 35.

Hon. M. de Jong: In this chamber I call Committee of Supply, for the information of members, on the estimates of the Office of the Premier. In the other chamber, I call estimates of the Ministry of Attorney General.

[1905]

Committee of Supply

ESTIMATES: OFFICE OF THE PREMIER

The House in Committee of Supply (Section B); S. Hawkins in the chair.

The committee met at 7:06 p.m.

On Vote 9: Office of the Premier, \$12,482,000.

Hon. G. Campbell: If I could start, hon. Chair, I would like to first introduce the Deputy Minister to the Premier and cabinet secretary, Jessica McDonald, who joins me tonight; and the Deputy Minister to the Premier, strategic policy, natural resources and the economy, Dana Hayden, who joins me tonight in the House as well.

I know that over the next few hours the Leader of the Opposition will have a number of issues that she would like to canvass. I would just like to take ten or 15 minutes to outline some of the things we've been able to accomplish in the last year since we last met just five or six months ago to discuss the estimates of the Office of the Premier.

I think there are a number of issues we often forgo because of time constraints, and I would hope that this year we have a chance to discuss some of the issues that confront us on the federal-provincial front. It's critical to the future of British Columbia; it's critical to the future of Canada. I would certainly be interested in what the opposition's point of view is with regard to that.

One example of that is the whole issue of fiscal imbalance. It's a major issue that's going to confront every Premier and the Prime Minister as we go through the next number of months. It is really an issue that calls us all to pay attention and asks us all to see if we can find new ways to make sure that we provide services to people across the country.

Today in Canada it is about \$493 billion — half a trillion dollars — that is collected by various levels of government from taxpayers in Canada. Too often in the past, when we have discussed things like fiscal imbalance, we have forgotten that it's the taxpayers we're talking about. The question that I think we have to confront — and I look forward to hearing from the opposition leader with regard to this — is: how do we better distribute that half a trillion dollars to meet the needs of Canadians?

We know there are challenges. There is what's known as the vertical fiscal imbalance. That's the federal government seeming to receive more dollars from taxpayers than they need to deliver federal services, and the provincial governments and territorial governments across the country not having enough resources to meet the critical health, education and public safety services that we need to incur to maintain our quality of life.

There is also another issue to deal with, with regard to vertical fiscal imbalance, and that is the issue of how we fund municipal services. When this country was put together, about 36,000 people lived in the whole province of British Columbia. Maybe 3 percent of the population lived in what we thought of as urban centres. Today it's well over 85 percent.

Urban and municipal leaders are saying that they suffer from a vertical fiscal imbalance as well, and yet there is half a trillion dollars that Canadians send to their various levels of government. Surely, with half a trillion dollars taken out of people's pockets, we can be

imaginative enough, smart enough, creative enough and accountable enough to find ways that we can deliver services that meet Canadians' needs in every single province, including the province of British Columbia.

[1910]

While I recognize that this is an opportunity for the opposition to canvass the government and the Office of the Premier, I would be interested in hearing from the Leader of the Opposition on the approach that she would recommend to deal with the vertical fiscal imbalance. Is it a matter of creating tax room in provinces? Is it a matter of transferring tax points? Are we looking at opportunities where we might do this on a strictly per-capita basis? Does the Leader of the Opposition believe that we should move to a ten-province standard, or should we stick with the status quo? Should natural resource revenues be included in that ten-province standard or not? Should property taxes be included as we look at the opportunity to create a fair and equitable system across the country or not?

Today, just for everyone's information, we currently face an equalization system in the country which deals with what we call horizontal fiscal imbalance — the difference between provinces and the ability to deliver services. The equalization formula we have has 3,000 different determinants. It is clearly not understandable to most Canadians. It is clearly not predictable. It is clearly not sustainable in the long term in terms of people understanding it.

Our government has said that we should move to a macro-measure, that we should look at a crucial decision like equalization based on something like per-capita GDP in each of the provinces — very simple, very straightforward, understandable. I'm interested in whether the opposition would embrace that kind of approach or not.

I want to say that over the last year I think we've made some real strides in the province — real strides in creating new partnerships amongst the people of British Columbia and the government of British Columbia. Of course, one of the most important new partnerships that we've strived to create is the new partnership with first nations. I want to start tonight by thanking the opposition for the strong support they have given the government as we've moved towards closing the gaps for first nations — closing the education gap, the health gap, the economic development and opportunity gap and the gap in housing and community sustainability that first nations have faced.

I think that because we have spoken with one voice, there is real opportunity for substantial progress. I think all of us should embrace the idea that over the next ten years we will close the gaps between first nations, aboriginal British Columbians, and non-aboriginal British Columbians, so every British Columbian has the same sense of hope, the same sense of opportunity and the same prospects for the future regardless of whether they're first nations or non-first nations. That's the goal that our government has set.

Since we last covered the Premier's office estimates in November, we've also had a chance to strike a new

partnership with public sector workers. I think it's fair to say that there are few in this House who last November would have said we would have 55 agreements with 230,000 public sector workers to build a stronger British Columbia.

We are developing a new partnership in education through the Learning Roundtables. Through the Learning Roundtables we're bringing together teachers and trustees and principals and vice-principals and parents and superintendents and the ministry to look at the challenges that confront us in education; to look at the ways we can reform education to provide the best possible education to every young child in British Columbia; to have a public education that says to each child: "You count. You matter. We want you to do as best you can as you build the future that you want. We want you to be excited by learning. We want you to be excited by going to school." We want our parents in this province to know that they couldn't have a better public education system in British Columbia.

We're building new partnerships with the federal government. I think it's important for us to recognize that the relationship between the federal government and the provincial government is critical to our taxpayers and citizens.

[1915]

We've tried to open up new opportunities to build a stronger Canada, and that's something for British Columbians to recognize. We are Canada's future. We are where Canada is going. Having a partnership with the federal government that deals with issues like immigration in an open and equitable way, where instead of getting resources of about a thousand dollars for a new immigrant, we get over \$3,000, like they do in Ontario and Quebec — that's what we're striving to do, and that's what this new partnership will deliver.

Over the year ahead we intend to build an even stronger partnership as we open the Asia-Pacific gateway — not just in the Port of Prince Rupert, where there is a true federal-provincial private sector partnership, and not just in the Port of Vancouver and the Fraser ports but in the Kicking Horse Canyon and inland ports across British Columbia. Opportunities are going to flow to everyone in this province through the new Pacific gateway initiative that will be a federal-provincial initiative.

With the mountain pine beetle emergency task force that has been put in place, the federal government has embraced the challenge of the mountain pine beetle and has agreed to fund that in the order of \$100 million a year in cooperation with the province. So I'm interested to hear where the opposition feels we should be focusing our resources and where we can do the most good for every British Columbian.

Finally, we have watched as we have started to see the excitement of the Olympics build across this province, in community after community, in the eyes of young British Columbians across British Columbia. They are saying that they're getting ready, that they're going to be standing on that platform. That will be a federal-provincial initiative that will mark our province's future.

Of course, we outlined in November the five great goals we had set for ourselves as a province. We have made significant progress over the last few months with regard to those goals. We've seen our education system open up. We've seen our graduation rates increase. We've seen our aboriginal graduation rates increase. We've seen that young people in British Columbia are scoring in the top five in the world in reading, in writing, in understanding the future that they may create.

In health care we've seen significant new initiatives undertaken: a \$60 million surgical innovation strategy for all British Columbians to reduce wait times; an opportunity to invest in hospitals across the province, from Surrey to New Westminster, from Kelowna to Cranbrook, from Abbotsford to Prince George, from Prince Rupert to Kamloops, from Quesnel to Nanaimo. This is a government that has a plan for the future — a human resource plan, an equipment plan, a capital plan — which will assure that we will stay number one in Canada in health service and health delivery.

We have invested in research — significant, substantial and important research. Some \$15 million in the Pacific Alzheimer Research Foundation. Alzheimer's is a disease that we are on the verge of conquering. All it takes is research; all it takes is commitment; all it takes is focus. That's exactly what the Pacific Alzheimer Research Foundation will provide. It will provide national leadership. It will touch family after family and community after community, as we work not just to cure but to solve the challenges of Alzheimer's for everyone in the future of Canada as well as in the world.

The first-ever chair in cancer primary prevention is being established in British Columbia. Spinal cord injury: research solutions to improve the quality of life are being reinforced with a \$15 million contribution to the Rick Hansen Man in Motion Foundation to celebrate 20 years since that incredible British Columbian circled the world and said that we are going to find a solution.

We have watched in the last year, hon. Chair, as we have moved to create one of the largest land use plans we've had in the history of the province. The central coast and north coast resource management plan is 6.4 million hectares. It's twice the size of Belgium. It brought together first nations, industry, coastal communities and northern communities to come up with a plan that will work for the long term and that creates sustainability, certainty and stability, and a future for that part of British Columbia. We want to keep building on that.

[1920]

We've been able to do these things — these increased investments in education, in health care, in environmental sustainability — because we have one of the strongest economies in the country, which is creating more jobs than any other province. Youth unemployment is at a record low. We have more young people employed right now in British Columbia than we've ever had. It's an all-time high — 356,000 young British Columbians at work building their future.

We have a number of challenges ahead of us. We know that. I am interested to hear how the opposition feels about initiatives like the Gateway strategy that's been put in place after two years of full public consultation — a Gateway strategy that started with a \$1.7 billion investment in the Canada line from Vancouver to Richmond, and hundreds of millions more of investment in the Evergreen line to the northeast sector. We now have the opportunity to invest in twinning the Port Mann Bridge and, for the first time in 20 years, putting public transit on that corridor. The largest investment in bicycle infrastructure in the history of the province. A Pitt River Bridge is going ahead that's going to relieve the congestion in the northeast sector which has caused so many people to lose so much time from their lives.

We've had a good year, and we're ready to make the next year even stronger and even better. I am looking forward to working with the opposition, to hear their constructive suggestions, to say how we can create in this province the kind of future that every British Columbian deserves regardless of where they live, regardless of their political party, regardless of their constituency.

I can tell you this: there is no province in Canada with a brighter future. There is no province in Canada with more opportunity. There is no province in Canada that has a greater obligation to pull our country into the 21st century to take the full bloom and the full advantage of what the Asia-Pacific and the Pacific Rim has to offer. That's what we intend to do.

C. James: I look forward to asking questions of the Premier. This is actually the Premier's estimates, and I'd be happy to provide another opportunity for the Premier to ask me questions, since he listed a long list of questions that he'd like to ask me. But tonight and tomorrow is actually the opportunity to ask the Premier some questions about issues that are important to British Columbians as well as some specifics about the Premier's office and about the direction of government. I look forward to that over the next day or so.

As we did last year, I'd like to start off with the issue of the Premier's office itself. As we know, government is about making choices. There have been some very difficult choices made. With each budget, we see the choices made by this government.

I'd like to start off with the specific issue of the Premier's office and the choice made by the Premier and by this government to actually increase the Premier's office spending by 17 percent this year. I'd like to ask my first question to the Premier: what is the justification for the 17-percent increase — and in fact, 40 percent increase over the last two years?

[1925]

Hon. G. Campbell: First, I want to say to the opposition leader that I recognize the opposition leader will have an opportunity to ask questions. It would also be nice to hear occasionally in this House what the opposition actually believes are the directions we should take. There is a lot of conflicting information that

comes from the opposition benches. Some people seem to be for one thing; others are for another. I'd like to hear from the leader about where they actually stand. Obviously...

Interjections.

The Chair: Order, members, please.

Hon. G. Campbell: ...the opposition leader will decide whether she wants to engage in that or not.

With regard to her specific question with regard to the Premier's office, the increases are virtually all a result of the fact that last year — November — when we canvassed this issue, it was for a prorated year, a partial year. This year the budget is for the full year and, therefore, for the full costs of running the office, the full year in the same way. There is no increase in FTEs in the Premier's office whatsoever through this budget.

C. James: Just continuing on, then, to get a few more specifics. In fact, the Premier did give an explanation in last year's estimates for the increase, and it wasn't simply an explanation that it was based on the year difference. From the Premier: "There has been an expansion in our budget, no question about it. I don't mean to be glib about this, but what's changed is there are a lot more people in opposition than there were in the past and a lot more issues we have to deal with." So the response from the Premier in the last year's estimates was that the increase had to do with the number of members on this side of the House.

My question again to the Premier.... That hasn't changed in the last year, yet we did see an increase in the budget year over year. Again, I'd like to ask the Premier: what were the specific dollar increases in the budget for the Premier's office?

Hon. G. Campbell: No, the number of members of the opposition didn't change, and actually, the budget hasn't changed, except it's now for a full year as opposed to a partial year. I can outline for the Leader of the Opposition some of those areas.

The deputy ministers' policy secretariat is now fully operational, and salaries are shown as full-year salaries. That adds up to about \$900,000. Funding for Intergovernmental Relations has increased to allow for increased funding to the Council of the Federation and, also, for managing a number of very important files to British Columbia. That's about \$500,000. Building occupancy charges were an increase — the benefits of a chargeback there. That's about \$200,000. Communication, policy and research support in the Premier's office is now fully operational from what it was last November when we were dealing with those estimates. That adds approximately \$200,000.

Again, there is no increase in FTEs. The structure of the office has not changed. The initiatives that we've undertaken are simply being fully funded this year as

opposed to what we faced in the last estimates in November.

C. James: Continuing on. There were some changes over this last year in the Premier's office to do with special advisers and special advisers coming in — Ms. du Toit being one example, and Lee Doney being another example. My question to the Premier would be: how many special advisers are in the Premier's office currently? What cost is that, and what percentage of the budget?

Hon. G. Campbell: First, there are currently five special advisers to the Premier. One is Mr. Dobell. I can't tell you what the full contract will be, because it's based on an hourly rate, and that hourly rate is done over a year. There is a maximum contract amount for Mr. Dobell. I believe it's \$230,000. There is a maximum contract amount for Mr. Doney, which is \$250,000. We have a contract with Dan Doyle, former Deputy Minister of Transportation, who's working on a number of initiatives with us. He's not called a special adviser. He is an adviser.

[1930]

We have Allen Edzerza, who is not on contract. I don't know what the salary rate is off the top of my head. He is a special adviser with regard to first nations issues. I'm just informed by my deputy that his salary is \$125,000. Mr. Edzerza is there on an ongoing basis. He has provided truly excellent services to us as a province in terms of not just building the New Relationship but working on a whole array of issues from economic development and education issues to reaching out to first nations leadership at the First Nations Summit with the Union of B.C. Indian Chiefs and with the Assembly of First Nations.

A final adviser is a special adviser with regard to multicultural outreach, who also is in our office at a significantly lower amount. The Leader of the Opposition has mentioned Lesley du Toit. She is no longer a special adviser to the Premier. She is now Deputy Minister of Children and Family Development.

C. James: Just continuing on with a little more information around the special advisers. The Premier mentioned a number of areas that these special advisers are working in. I'd just like him to go into a little more depth in the specific areas that the special advisers are working in, and who they report to. I think it would be interesting to know who those special advisers report to.

The Premier mentioned the hourly contract with a limit for Ken Dobell. I wondered if that applied for the other special advisers — if they have similar kinds of arrangements in their contracts as well.

Hon. G. Campbell: Okay, I'll try and do this so that the opposition leader can take notes, hon. Chair.

First, Mr. Edzerza. He is appointed to the Office of the Premier as special adviser on aboriginal issues. He reports directly to the Deputy Minister of the Premier.

His priority throughout the year has really been first nations leadership and the deputy minister's round table to make sure that we start to build the sort of software we need to ensure that first nations are included in decisions that government is confronting and that they are part of the policy-making discussion we have. Frankly, many times he helps us see ways that we can do things in a different way to make sure that first nations are fully included.

He has been an active participant with the Ministry of Children and Family Development in the Joint Aboriginal Management Committee meetings. Again, the focus on aboriginal children has been critical. He has been involved in some of the discussions with regard to mountain pine beetle and the aboriginal strategy on mountain pine beetle. He's been working on engaging an aboriginal youth counsellor that, hopefully and potentially, could report into government. He's also been working on the development of an aboriginal internship program.

I want to underline for the Leader of the Opposition that Mr. Edzerza is a salaried position at about \$125,000 a year, give or take.

Mr. Dobell is a special adviser to the Premier. He has been given specific tasks around the Pacific gateway and the ports in Vancouver. He has been specifically involved in the softwood lumber discussions. He has been an active federal government liaison in terms of working on a number of specific federal projects. He sits as a member of the board of VANOC and a chair of the VANOC finance committee, and he is the chair of the board of the Vancouver Convention Centre expansion project.

Lee Doney was brought into government early this year following the announcement of the negotiating framework that we were going to face in terms of working with the public sector. He will be on contract from approximately January 16 of 2006 to November 17 of 2006.

He is under the direction of the Deputy Minister of the Premier and cabinet secretary. He has worked particularly on the negotiations that we've had in helping us move those negotiations through, as I think has been highlighted on a number of occasions. They required a professional, comprehensive approach; Mr. Doney added this. Mr. Doney was highly regarded, I think, at all the negotiating tables as a contributor who could bring us to successful conclusion. He's done an exceptional job on behalf of all British Columbians.

I'm just seeing if I have other notes here. I think that covers off those ones. The multicultural outreach is done and reports through to my office, my chief of staff.

[1935]

C. James: Just a similar kind of question. Again, on each of these positions, are they contracts, as you mentioned with Mr. Dobell, where there is an hourly rate and there's a limit to the hourly rate? How does that apply to each of the other contracts that you've mentioned? The specific people that are on contract — I

recognize that Mr. Edzerza is on salary, but for the other contract positions — if you can add that piece. Are there any bonuses, as with some other employees from government, tied in with any of these positions?

Hon. G. Campbell: I hope that I'm answering the opposition leader's questions. First of all, Mr. Dobell is on an hourly rate. He has a maximum of \$230,000 a year plus expenses. I don't want to say that there is no bonus included.

Mr. Doney is on a retainer. The maximum of it is \$250,000 a year. That takes you from January 16 to November 16 of 2006. There are no bonuses for performance. Under Mr. Dobell, fees and hourly-rate expenses are included in the \$230,000. Mr. Doney gets a maximum of \$250,000 fees plus expenses, and no bonus.

C. James: And the multicultural person? You haven't mentioned the name of the person who does the multicultural — their name and then their contract as well.

Hon. G. Campbell: The multicultural outreach officer's name is Philip Yung. I'm not going to generally refer to names for employees. He is an employee, and he is not on contract.

C. James: He was included in your special advisers, which is why I believed he was under contract. So thank you.

Just a question about the philosophy of centralizing those positions in the Premier's office, rather than line ministries. Certainly there's been some criticism out there for the more centralized approach that the Premier has been taking over the last year.

I just wondered if the Premier could explain his reasons for centralizing some of those positions — the example being Ms. du Toit, who we understand now has moved over to the Ministry of Children and Families — and his rationale around why those positions weren't based within the line ministries but in the Premier's office.

[1940]

Hon. G. Campbell: I think it's important, first of all, to recognize some of challenges that any government faces. One of the things that we've been trying to initiate in our government has been a whole initiative that I call cross-government initiatives. They don't line themselves up into a stovepipe. They don't say that only this group should be responsible or that group.

I can take a whole range of issues to talk about with regard to that. For example, when you think about the New Relationship that we're trying to build and Mr. Edzerza's job, it crosses all of the ministries. Virtually every ministry in government is touched, whether it's Mining or Energy, Forests or Children and Family Development.

Part of what we try to do is integrate and coordinate these services, not centralize them. We're looking to increase productivity in government. We're looking to increase alignment through all the ministries. I think

that when you look at a government that's this size — or any government's size, I would think, across the country — it's important to recognize that when we do things in a coordinated fashion across government, that actually maximizes the benefit of the services to taxpayers. That is the thrust behind what we are trying to accomplish.

If you talk about the efforts of the senior adviser on labour, really what we were doing is.... He was working with all of the ministers across government, who are responsible for 55 different contracts. He was working with the Minister of Finance, the Minister of Health, the minister responsible for the public service, and was making sure that we had a cross-government strategy that worked, that was consistent, that was ongoing and that was effective. I think the results speak for themselves.

Really, this is not about centralization. It's about coordination; it's about integration. It's about removing the barriers which often get in the way of delivering better services to British Columbians, and that's exactly what we've tried to do here.

C. James: Just a couple of questions, moving on from the special advisers to a couple of staffing changes that have occurred in the Premier's office — just to ask some questions on those specifics.

We've heard that Philip Steenkamp, the deputy minister of strategic policy in the Premier's office, is going on a secondment with the government in Ontario. Just a question around the secondment: how long is the secondment? When does it expire? Who has taken over the role in the Premier's office?

Hon. G. Campbell: The secondment lasts for two years. At this point the deputy minister for strategic initiatives is actually working on those portfolios as well. She has expanded from natural resources and the environment into a number of the social issues.

I think it's important to note that we have also, as I mentioned earlier, fully staffed up the deputy ministers' policy council. The deputy ministers' policy council, although it's housed in the Premier's office, reports to the deputy ministers' subcommittees. That group also leads cross-government initiatives directly to the deputy ministers of ministries, whether it's the social ministries or the natural resource and economic ministries.

My deputy minister is working to coordinate that as well. Mr. Steenkamp has a two-year secondment. A number of those months have already passed us by. We expect him to come back to British Columbia.

C. James: The other change that we heard about just recently was another change within MCFD, the Ministry of Children and Family Development. That was the move of Kim Henderson over to the Premier's office in the position of ADM for corporate initiatives. I'd just like the Premier to explain what that position is.

[1945]

Hon. G. Campbell: Ms. Henderson has worked for a number of years in the public service. She is now

assistant deputy minister on social issues for us in the Premier's office. That will provide support to my deputy minister to make sure that we do coordinate those issues.

I think it's important to note that her contributions to government over the last number of years have been significant, have constantly been of top quality and have been noticed by those who have been working with her. She's been working for nine years in the province. Frankly, I feel very fortunate to have her in the Premier's office helping us with those social coordination issues.

C. James: I wondered if the Premier could provide us with the latest organizational chart — we recognize that there's information on the government website around the directory — which includes reporting relationships and the changes in the full staff complement that's there.

Hon. G. Campbell: Yes, I'm pleased to forward that to the Leader of the Opposition. I believe our organizational chart is fully up on the website, with the exception of Ms. Henderson. That will be up shortly.

C. James: Just moving on to the exercise the Premier was going through last fall around accountability, asking for input on measurements and performance measurements. It was an exercise that we were asked, as opposition, to take part in. I'm wondering what's happened with that exercise. I ask the Premier to talk about the input that was received, both from the opposition as well as any others he may have solicited information from. I just ask where that project is and how the information is being used.

Hon. G. Campbell: First, in the September '05 throne speech we did commit to invite various parties, and we did invite various parties to come forward with their recommendations — the official opposition, the Progress Board, first nations — to help identify the most appropriate targets that we could use. We did think it was important, as we looked at those targets, to have targets that were understandable to people and that the measures were going to be ongoing.

Many groups responded to our request. We had 154 proposed performance measures from 13 external sources. I haven't got the full list of all the sources here.

The criterion that we used to decide whether we were going to use them was: if the measures proposed were from multiple sources.... Therefore, was it a commonsense measure? This happened in seven cases. In two cases, multiple sources identified the need for a particular type of measure — for example, an air quality measure. Deputy ministers were consulted on the measures that they thought would ensure a consistent, appropriate approach. So 15 measures were chosen from those 154 that were brought forward, and they form part of the 2006-2007 to 2008-2009 strategic plan.

It includes the five great goals. It includes the case of ten measures, either the measure itself or the type of measure used, so that people can see how those meas-

ures are. I should say that we will be continuing to look at improving the measurements we've got. We're always willing to listen to people who think there's a better measure of what we can do.

If we're going to be the most literate jurisdiction, what does that mean? Who is better? How can we improve? What are the programs they've got? All of those will be part of what we do in an ongoing plan.

The purpose of the measures and the plan is to allow us to learn — to learn what's working and what isn't working, to learn whether we're making progress or whether we're not making progress. That was the way that we went about selecting measures and moving ahead.

C. James: Just to ask a question on one of those specific measures — and I think we talked about this last year in estimates — which is the issue of housing and homelessness. I'd like to ask the Premier if those measurements have been added in, if you're looking at any kind of measurements around homelessness and a strategy around housing.

[1950]

Hon. G. Campbell: First, as I mentioned, I think it's critical that we have measures that are understood, that there's not a great deal of debate about and that we actually have clearly in front of us. We have established a measure with regard to housing in British Columbia. For British Columbians 75 years or older living in health care or related institutions, such as nursing homes and seniors homes, we had the second-lowest rate in Canada. We are trying to improve on the quality of facilities that are available to our seniors, but we also want to maintain people's opportunity to live in their homes as long as they can.

There are interesting challenges when we look at the issue of homelessness. One has to do with mental illness. The other has to do with accessibility in their communities. There are a number of measures that we are trying to develop in the Housing Ministry, which will allow us to measure that to the satisfaction not just of the government but of the opposition and the people of British Columbia.

We have not found a measure that actually reflects the initiatives that government undertakes. There are things that government can do. We should certainly be looking at how we can improve on our performance. There are things out of our control that we have to get someone else to try and improve their performance on.

We are looking to try and develop a measure that will be more effective. At this point the one that we've selected has to do with senior British Columbians and the housing that they're using.

C. James: Just so I'm clear. I want to make sure that I haven't missed anything. At this point the only performance measure around housing that the government has is related to seniors housing?

Hon. G. Campbell: Yes.

C. James: Just to continue on around the housing issue. I heard the Premier mention that the government has a strategy around housing that will be introduced. I wonder what the time lines are for that and when the government expects that to come forward.

Hon. G. Campbell: I know the Housing estimates have already been undertaken. We are working on developing that plan, and within the next few months it will be brought forward. I think the detailed questions around this are appropriate for the Housing estimates.

Let me say this to the Leader of the Opposition as we talk about the measures in the strategic plan. The strategic plan is, by definition, a very high-level plan. The opportunity that we have in the estimates is to deal in fairly significant detail. I don't have all that detail available with me, but I'm sure the Minister of Housing did during the Housing estimates. We are looking for a higher-level sort of plan that we can pursue as a government as well as the more detailed plans that are part of the ministry service plans, which really create the whole plan for government across the whole range of government.

The strategic plan is based on the five great goals. That's one of the criteria we have: how do you reflect those five great goals? Certainly, we said in goal three that we wanted to provide the best level of services for seniors in Canada. Right now we're number two. We'd like to raise that to number one. It may take us some time, but we want to keep moving in that direction, and that measure, we think, will help us do that.

[1955]

C. James: I understand the issue of the specific ministries and the fact that individual ministries have more specific plans. Again, if you take a look at the goals — and we're talking about performance measures here — I think that certainly the public would expect that at a time when housing is a critical issue for British Columbians, the Premier's office and the government as a whole would have a strategy and therefore a performance measure around housing and homelessness and that that would be a key part of the Premier and government's strategy across the board.

[B. Lekstrom in the chair.]

In fact, if you look at the government's goal around support for people with disabilities, etc., we know that the issue of housing is key. If we look at the health care goals, again, housing is key. I'd just like to ask the Premier again whether there's a timing strategy around the housing initiative from the government. Do we expect it to come out this year? Do we expect it to come out soon? I certainly think that it's a critical issue for most British Columbians.

Hon. G. Campbell: First of all, we agree that housing is important. That's why there has never been a provincial government in British Columbia that has invested more in housing than this government. This

year there is more money being invested in social and assisted housing than has ever been invested before in the province. That is why we have the Premier's Task Force on Homelessness, Mental Illness and Addictions.

We recognize that you have to have an integrative response. I'm sure the Leader of the Opposition is aware of the fact that that integrative response includes health initiatives, health supports and protection for people who are using housing that happen to need it. We are working very hard to try and make sure that happens. In fact, just to put it in context, we are spending 70 percent more than the NDP did when they were in government on housing — \$202 million versus \$112 million, nearly four times the \$50 million budget of just ten years ago.

The issue that I think the opposition leader is raising — and it's a fair issue — is: what measures do we have for whether we're being successful or not? What I was trying to say earlier was that we're trying to develop those measures so they are incontrovertible, so they're not driven by the political desires of either a government or an opposition, so that people can look at that and say: "How are we doing?"

In British Columbia we believe that housing is first and foremost for people. It's not for institutions. It's not for organizations. It's not for governments. It's for people.

How can we make sure that people are getting the housing they need? I would agree with the Leader of the Opposition, and have said this for almost 20 years in public life, that housing is the cornerstone of a healthy, secure and stable society. That means we have to work with municipal governments, which create our communities. It means we have to invest. It means we have to work with the federal government, as we're doing with the Vancouver agreement. It means we have to work with our Health Ministry to find ways that we can bring people who need support into their housing, into their shelter, in a way that is positive and successful.

I think it's important to note that within the last little while, we've added substantial additional resources to housing to make sure that we can meet those goals. When will the new housing plan be ready? It will certainly be ready before the next throne speech. It should be ready this year. It will be ready as soon as we've got the final discussions and consultations complete.

Do we want to do it quickly? Yes, we want to do it quickly. Do we want to do it well? Yes, we want to do it well. Do we want to do it thoroughly? Yes, we want to do it thoroughly. Are we going to announce it once all those things have been accomplished? Yes, we're going to announce it then.

C. James: Just to continue on with housing, in fact the statistics are very clear around the doubling of homelessness over the last number of years. Between 2002 and 2005 we've seen that homelessness has doubled. That's a report coming forward from the Social Planning and Research Council that's very clear.

I understand that a housing strategy will eventually be coming from government, and we'll await that an-

nouncement, as people are doing who are waiting for housing. My question, again, around the performance measure. The Premier talks about the amount of money that's gone into the Housing budget, which includes a number of things including supportive housing, including seniors housing.

[2000]

Has the Premier looked at the number of social housing units or affordable housing units that have been built in British Columbia? And is he looking at that as one of the performance measures able to be included to do a real measurement of how many affordable units are available for families around British Columbia?

Hon. G. Campbell: First let me say that one of our goals in dealing with homelessness is to try and ensure that we have emergency shelters available for people who will use them. There's been a 40-percent increase in emergency shelters in British Columbia. We have 9,500 units that are built or committed. We have \$84 million for new units, which was announced about a year ago, which are in process right now in communities all over the province.

In fact, we did focus on seniors housing, and we have focused where we wanted integrative housing for people who happen to have mental illness challenges or challenges with addictions. We thought that was important.

We recently announced another \$2 million for emergency shelter supplies. What we're trying to develop is a comprehensive strategy across the board. We've worked, for example, with the city of Vancouver in their Woodward's project, trying to provide them not just with a very good agreement with regard to the acquisition of the property, but also the addition of an additional 100 units in that project just a year ago, so they now have 200. It will take some time before those units are put together.

The measure that we are developing is the percentage of nights where shelters are at full capacity. What we want to try and do is to make sure that over the next number of months, as we move forward with the new housing strategy, what we're doing is taking care of people. We provided support to the city of Vancouver as they work with individuals who may be homeless to say what their needs are. Some of their needs may first be health care or detoxification, but we're working with them to try and do that. We're working with the city of Surrey to try and make sure their facilities are both safe and secure.

The issue here is that we are investing more in housing than we have ever invested in the province. If the Leader of the Opposition is suggesting that we invest more still, the question I have is: "Where do we get those resources from? What resources do we cut? How do we move forward in a comprehensive way?"

This is the first government that has taken homelessness, mental illness and addictions services and said that it is time to act comprehensively on all of those. It is the first government that I am aware of that has gone to municipal governments and said: "You are

the front line, so whether you are in Prince George, Nanaimo, Surrey, Victoria or Cranbrook, let us know what you think some of these answers are." We've received a very good response from the Union of British Columbia Municipalities for that initiative, and we will announce a provincial housing strategy when it is finalized, as I said.

The issue for us is to make sure, as we're looking at that strategy, to be straightforward about the resources that are available, where those resources will come from and how we can focus them on maximizing their benefits. That's what our goal is. That's what our housing strategy will be, and it will be announced within the next number of months, as I mentioned.

C. James: Certainly, if you take a look at the statistics, they're very clear. The statistics are that under this government, homelessness has increased in community after community. Those municipalities I hear the Premier talking about are the municipalities that I have been talking to for the last year, since the election, that have been very clear about the fact that it's a growing problem in their communities.

Many municipalities are putting strategies together themselves to try and address this issue and feeling that they're not getting support from the provincial government. When you take a look at the city of Vancouver, they cancelled their one-third target, in fact, for housing in what's known as the Olympic village — southeast False Creek area — because of the lack of support coming from the province.

The Premier mentions shelters. I have an example in my own community, where the government increased funding, yes, for cold-weather shelters. But then it ends up that we lose those beds when the cold-weather time period ends. You end up creating the problem again with people being back on the street, because those are temporary spots. They aren't long-term housing, which is what we're talking about here.

[2005]

Just to move on, on this issue. Since we don't seem to be getting any satisfaction on the issue of the provincial funding going into housing, will the Premier commit to being open and transparent about the federal dollars that are now coming, that were in the most recent budget for housing, and to let us know and let the public know where those federal dollars will be going when it comes to affordable housing and how many units they will provide here in British Columbia?

Hon. G. Campbell: I'm actually a little disappointed. This is what I'm disappointed about. If the Leader of the Opposition was being straightforward and had really talked to those mayors, they would have told her what they told us and what they told the public — that this was the first government that ever asked them to come and deal with them, with mental health, addictions and homelessness.

This was the first government that actually went to them, and they said to us: "We appreciate the fact that you have raised this with us, because for the first time

ever in our communities, we are bringing together social agencies. We are actually dealing with it as a government, and we want to say thank you for that." Those were the mayor of Victoria, the former mayor of Vancouver, the former mayor of Surrey. These are people who have actually been out there on the front lines, working.

The Leader of the Opposition may think that's clever. I can tell you: it doesn't get us anywhere. What gets us somewhere is when we recognize that this government has been working with other governments across this province. What gets us somewhere is when we recognize that the \$202 million we're investing right now has been invested in a focused, sensible way, which is actually led by local governments.

We've actually been saying to them: "You tell us the project that will work for you." We've gone to Prince George, and we've said to the mayor of Prince George, "You tell us what will work in your community" — which is not Victoria. It's not Vancouver. The mayor of Prince George came and said: "We think this will work."

We went to the mayor of Kelowna. We said: "You tell us what you think will work." The mayor of Kelowna said: "We think this will work." We came to Victoria and said to the mayor of Victoria: "Tell us what you think will work." He told us. So what we've been trying to do in a comprehensive way is deal with the integration of housing services for people who are in real need. For people who happen to have mental illness, we'd like to connect them with the health care system. For people who happen to have addictions, we'd like to connect them with the health care system.

We recognize that when we bring some of those people into housing, we have to have safe and secure housing for those people. We have, in fact, been led by local governments. Local governments were very complimentary about the doubling of the SAFER grant for the first time in over a decade. They recognized how important it was for their seniors. Local governments have told us consistently that they appreciated the work that was being done in concert with them.

Let's talk now about the federal initiative. I can guarantee this House that when those federal dollars flow through, British Columbia will be there saying: "We believe our communities need to have their full share of those federal dollars. We believe those dollars should be focused on the areas of top priority and concern to those communities." We will work with them to ensure that we provide the kind of housing we can for the dollars that are immediately available.

We have already committed \$138 million for capital funding for people who have mental illness. The member opposite today in a private member's statement pointed out how important it was that we have a comprehensive strategy for mental illness. For the first time ever, we have a government that does have a comprehensive strategy for mental illness — over a billion dollars a year. Some \$138 million has gone for housing: in the Seven Oaks facility in Saanich, in Iris House in Prince George, in South Hills in Kamloops, in Seven

Sisters in Terrace, and the Hillside Psychiatric Centre in Kamloops.

All of those were aimed at providing better housing, better accommodation that was integrating with our health services and addictions services so we could provide safer, more secure communities for those people who are living there. We'll continue to do that.

We will continue to work with the federal government. We will continue to work with the municipalities in this province to make sure we do have a comprehensive, thoughtful housing strategy that works to build the social foundation that our cities, communities and towns depend on.

C. James: I'd certainly encourage the Premier to spend some time in communities, talking directly to people in community agencies who work on the streets in communities around the province. Yes, the municipalities have been at the table, as they always have been at the table around housing. In fact, there is a long history of municipalities and provincial and federal governments being involved in housing strategies.

[2010]

What's missing is the issue of the provincial government coming to the table with new affordable housing units. That's what's been missing, and the reality is seen on the streets of our communities every single day.

This has nothing to do with politics. This has to do with the reality in communities and the fact that we would expect a government to stand up and say that it was not acceptable to see the kind of numbers you see around homelessness in our province at a time when we see record surpluses because of international commodity markets. That's the issue here.

To continue on, a question for the Premier around his office and any dollars going to the Olympics. I'd like to ask specifically whether any of the budget dollars in the Premier's office are dollars going to the Olympic budget.

Hon. G. Campbell: The Olympic budget is \$600 million, and no dollars have come from my office or our office budget allocations to the Olympics.

C. James: I understand the \$600 million to stage the games. My question is for supplementary programs that are going towards the Olympics. Are there any dollars in the Premier's office dedicated to supporting the Olympics?

Hon. G. Campbell: No.

C. James: Moving on to talk a little bit about government relations, we heard the Premier in his opening remarks make some comments about relationship with the new government in Ottawa. I would like to talk a little bit about that and take some time now to go through some of those issues.

We certainly have heard in the last week the Premier speak out around the Kelowna accord and his concerns that the Kelowna accord has not been hon-

oured — a position that this side has great concern about as well, as the Premier knows.

There's another federal-provincial agreement that the Premier has been much quieter about. That is the early learning and child care agreement. So I would like to start by asking the Premier whether he believes that the Harper government's plan to actually give parents \$100 a month for children under six is a child care plan.

Hon. G. Campbell: I believe, and I've said this over the last number of weeks, that the Conservative government, at least to this point, has been very clear about what their child care plan is. They have a \$1,200-a-year allowance that is going directly to parents for each child under six. They are trying to create 125,000 new spaces with a \$250 million tax credit. There is no question that that is their plan.

They told us that that was their plan, and although I was not at the meeting, the Prime Minister was very clear with Premiers across the country that that was the plan they were sticking to. We initially pointed out to him the challenges of trying to close that off quickly. He extended that for the funding for the province over the next two years. So we're going to continue in British Columbia to try and support children, to try and support their families, to try and create the kind of child care infrastructure that's necessary over the long term in this province.

I think it's fair to say that the federal government ran on a program. Not commenting on whether that was the program I would have supported or not, they ran on it. They were elected on it. It is interesting that people think they can, say, hold people to account for one part of a platform but not all. What this particular government has said in Ottawa is: "This is our platform. This is what we're doing. Get on with it." So we're getting on with it.

We're getting on with continuing to provide an expansion of child care services across the province. We're going to encourage the expansion of new spaces. We're going to maximize the benefits of whatever the federal initiatives are when they come to fruition, and we believe B.C.'s families will benefit from that. We're constantly going to look at that.

[2015]

I guess the question is.... At the end of the day we can't be held, as a province, accountable for funding federal initiatives that federal governments change their minds on. That's the whole issue of fiscal imbalance that I was talking to the Leader of the Opposition about earlier. The fact is that we said initially we were concerned about that, and the way it was structured allowed for changes to take place. We're planning to do the best that we can with what we've got. We think the federal government has been clear about what their direction is. We want to maximize the benefits for B.C.'s families.

C. James: We certainly understand that the federal government has a right to do what the federal govern-

ment does. But what the people of British Columbia expect to hear is something from our Premier and our government about what they think about other plans that the federal government is putting in place. My question again to the Premier is: does he think the plan put forward by Stephen Harper and the Conservative government is a child care plan?

Hon. G. Campbell: It's the federal government's plan. I understand the challenges that the opposition may face when they're tied to a federal party that wants to generate a federal discussion. That's the federal plan. They'll debate that in the House. It will either pass or not pass. It's been passed through the House, as I understand it.

This is what we've tried to do as a government. We announced \$32 million in improvements in child care. The subsidies have increased, and more children are now eligible for subsidies. The income threshold for subsidies has gone up from \$21,000 to \$38,000, with those earning more receiving partial subsidies. There are 10,000 more children who became eligible for subsidies, all because we have a strong economy that allows us to do those things.

More facilities are receiving more government funding than ever before. We have more child care spaces eligible for funding than ever before, and we're now spending more than any other government, for capital, on child care centres. We are trying to expand opportunities, expand choices for families across British Columbia, and that's going to continue to be the thrust that we do.

I understand that the opposition may disagree with the position we've taken. If they do, and they can figure out where they're going to get the resources from on an ongoing basis, I'd welcome them to present that to the people of British Columbia. So far, we hear only promises that are empty promises, similar to the last NDP government — promises, promises, no funding. Promises with a budget that said there's no funding for any of these promises.

We were faced with confronting that. We confronted it. We've expanded child care spaces that are available. We've expanded the number of families that are available for subsidies. We've expanded the commitment to capital improvements for child care facilities across the province, and we'll keep working with communities, with families across the province to make sure we have a child care system that works for them.

C. James: I can tell you that parents and children expect much more than simply words from a Premier. They expect the Premier to stand up — to stand up for children, to stand up for families in British Columbia. Premiers from across this country, Premiers of different political stripes, spoke out in support of the child care agreement.

My question again to the Premier. I understand that the federal government has an opportunity to do what it wants to do. But people also expect leadership from this Premier. So my question to the Premier is: does he

accept the criticism of child care advocates and people in this province, parents and children included, including the chair of the Premier and the government's own child care committee who resigned because of the silence from this Premier? Does he accept the criticism that the \$1,200 a year, although welcome for families, doesn't replace a quality child care program?

Hon. G. Campbell: First, it's not correct, again, that the chair has resigned. The chair is Wendy Cooper, and she is still the chair, and she is working with the government.

I think I should say this. I recognize that the Leader of the Opposition has a different job than I do. My job is certainly to speak out for British Columbians and to ensure that British Columbians see an improvement of services. We have done that.

[2020]

In fact, it was our government that raised the income threshold for full subsidies from \$21,000 to \$38,000 a year. It was this government that made 10,000 more children eligible, with 6,000 seeing their benefits increase. It was this government that created an annual budget where we had \$125 million in '05-06 — more than a \$19 million increase over the last year.

It is this government that is going to continue to work with families across British Columbia to make this happen. I think it is important, though, to note that there are issues where the federal government may disagree with the province of British Columbia. We work with them, and we did work with them both at the first ministers' meeting and at others. Some people think it's more fun to get a headline. I think it's more fun to get results. We've been working on results in British Columbia, and I can tell you that compared to the last NDP government, this government has results in spades in intergovernmental relations with the federal government.

C. James: The Premier is quite happy to use headlines when it suits him, but it's complete silence when he doesn't. I'm going to actually read a quote to the Premier from September last year when the child care agreement was signed in British Columbia. A quote from the Premier in his statement: "We want to ensure that B.C. families have access to a sustainable, flexible and affordable early learning and child care system that will ensure B.C. children get the support they need to thrive and succeed. The agreement we have signed today" — the federal agreement — "will help parents balance the demands of work and family and assist child care providers with new funding opportunities." Does the Premier agree with the statement he made last September?

Hon. G. Campbell: Yes, I do agree with that statement. It was a federal government program. It was a federal government that came forward and said: "This is how we'd like to do it." Frankly, what we were working on with that previous federal government was to make sure there was maximum flexibility for us in

terms of responding. With the new federal government, we're doing exactly the same thing. We're trying to maximize the flexibility, and we're trying to maximize our ability to improve opportunities for British Columbians. Let's be really clear about this.

The important initiative that we have here is there are literally millions and millions of dollars involved. The federal government has clearly said to us, "We are not providing those after 2006-2007." On March 31, 2007, they're done. It would be irresponsible of me to stand up and say: "You know what? We'll do it in British Columbia 'cause we have nothin' but money." We don't have anything but money. We have to manage our resources properly.

It's actually that kind of rhetoric from the member opposite that got the previous government into such financial problems. It was that kind of rhetoric from the member opposite that meant that, instead of receiving resources from the federal government, they lost \$125 million for coastal communities up and down the coast of British Columbia.

I recognize the member opposite is an expert in child care. She worked very hard in it. She put together a program that the previous NDP government endorsed without any money for it. That doesn't do anybody — any parent, any child — any good anywhere in British Columbia. Not one bit. It was ill-conceived. It was not funded and, frankly, it let a whole bunch of people down.

What this government has said is that we want to provide additional opportunities, additional subsidies, additional capital grants, and we want to take whatever resources we can get from the federal government to maximize the benefits for British Columbians so that they can count on them when they're delivered. That's what we're going to do on this side of the House. It's critical that we do it.

The problem with fiscal federalism that I announced to begin with, that the Leader of the Opposition doesn't want to talk about, rests exactly here. The vertical fiscal imbalance that takes place is... This is what results when it happens. We can't depend on federal programs.

The horizontal fiscal imbalance. At least we have a Prime Minister right now who's saying that all provinces are going to be treated equally. That's a good thing for us. Different provinces will make different choices in how they may want to approach problems. But the fact of the matter is if we don't deal with that big national issue of vertical fiscal imbalance and horizontal fiscal imbalance and how we use taxpayers' money in the most cost-effective way possible, what we will end up doing is having someone else set priorities for the well-being of British Columbians. I understand that.

What we're going to do is continue to invest in child care, continue to maximize the benefits of any dollars we get from the federal government in early childhood learning and child care resources in this province.

[2025]

In each community of the province we'll work with communities and with families, and hopefully, we'll

continue to lead the country in providing top-quality care for kids in child care across British Columbia. Frankly, we will expand learning and early childhood development opportunities for children in British Columbia, because for too long that was ignored by previous governments as well.

C. James: Another example where the Premier is completely out of touch with British Columbians out there. It's very clear if he talks to anyone who struggles to find child care spaces, who struggles to be able to find the opportunity to be able to have their children looked after.... They know the reality. We had a program in British Columbia that was funded by the federal government — money that we've now lost because of the silence of this Premier.

I'd like to just touch on the Kelowna accord for a second, because there is an important link here. The Premier, when he stood up and spoke strongly on the Kelowna accord, said that the honour of the Crown is at stake. The reason, of course, is the Kelowna accord made it very explicit, and the Premier made it explicit, that this agreement was a result of government-to-government negotiations. We agree with that. Since the exclusion of the Kelowna accord from the federal budget, the Premier has been working hard to convince the federal government and the Prime Minister to actually make good on the ten-year funding pledged in the Kelowna accord.

My question related to this is to the Premier. Have you had any discussions with either the Prime Minister or the minister of aboriginal affairs on the rupturing of this government-to-government relationship that is critical to the accord?

Hon. G. Campbell: I'm sorry; I don't quite understand what the Leader of the Opposition's question is. I do think it's important to note, though, again, that what we've tried to do in terms of child care is to provide for additional spaces, additional subsidies, more opportunities for families across the province. Have we finished the job? No, we haven't finished the job. We are continuing to work on that.

We're continuing to look at how we can do a better job. But in the last 12 months there have been 2,500 either brand-new spaces or renovated spaces for B.C.'s kids. There will be 125,000 additional spaces that the federal government is planning to provide. That will be a significant additional number of spaces that will be available for people.

In terms of the New Relationship and the Kelowna accord, I want to be respectful here. But I do think it's important to notice there's a pretty significant difference between a two-year process, which includes all levels of government at the table trying to come up with a national consensus on where we're going to go, where first nations, Inuit and Métis people come together in their aboriginal leadership roles and come with us and say: "Let us come together to form a plan that moves us ahead, that closes the gaps," from the situation that took place with Mr. Dryden going across

the country. I'm not criticizing Mr. Dryden going across the country, but Mr. Dryden was clearly dealing province by province by province. That's why there wasn't a first ministers' meeting.

In terms of the Kelowna accord, in terms of the Kelowna meetings, it was very clear that all of us, all 13 Premiers — three territories, ten provinces — and a Prime Minister — 14 heads of government — and five first nations leaders and organizations had agreed that we wanted to put together a ten-year plan. I have continued to work with the minister, Jim Prentice. The Minister of Aboriginal Relations and Reconciliation continues to work with the federal government. They have committed to closing the gap.

The goal that we've set is for them to close the gap over the next ten years and provide for ongoing funding that allows us to do that. The goal that we've set has been to assure that it is the aboriginal leadership, or in British Columbia the first nations or the Métis leadership, who are driving those plans, who are creating the measures that will allow us to tell whether we're progressing or not. We have committed, as the Leader of the Opposition knows, to providing resources, to providing support to make sure that happens.

[2030]

The \$100 million New Relationship fund was put together so that they could build capacity, so first nations leaders could say: "How can we do better for our communities across the province?" In Kelowna we signed the transformative change accord between the government of British Columbia, the government of Canada and the leadership council representing the first nations of British Columbia. I think it is important to note, again, that the transformative change accord called for the closing of those gaps, so over the last little while we have in British Columbia. And we've said this consistently: we're going to step up to the mark here, and we're going to bring the federal government with us.

The federal minister has said that he is very interested in getting to work right away on closing the education gap. We believe there is a huge opportunity there. We believe there are opportunities to start to make sure we move towards the conclusion of some treaties. We've got six agreements-in-principle, moving closer to seven agreements-in-principle, and we'd like to move those agreements-in-principle on to treaties. The federal minister is committed to that. The federal minister said the other day — I think it was on Thursday — that he was committed to a ten-year plan, that he was going to work with us.

It is my hope, and it's my intention, to ensure that first nations leaders and Métis leaders across this country know that they have the support of this government and the federal government and the honour of the Crown will be upheld, as it was stated in Kelowna, as it should be continued and as it will be continued in British Columbia.

C. James: We certainly, as the Premier knows well, on this side of the House are strong supporters of the

Kelowna accord. We were strong voices on the day the budget came out on the fact that the Kelowna accord was not in the budget. I spoke strongly on that issue.

That does not take away from the fact that there was another signed agreement with the federal government. That signed agreement was an agreement on child care, an agreement on dollars coming to British Columbia. Other Premiers of different political stripes made comments about the fact that this was an agreement with the government of Canada, as the agreement was with the Kelowna accord. That was a very clear quote from a number of Premiers.

My question to the Premier: did he not feel that the child care agreement that he spoke so strongly in support of back in September was a signed agreement with the government of Canada and worth the time and energy for the Premier to stand up and support that agreement on behalf of children and families in our province?

Hon. G. Campbell: We did speak with the Prime Minister. We did speak with the minister responsible. In fact, our Minister of Children and Family Development was there speaking to the minister responsible. I believe it was in February or early March. In fact, it was because of our entreaties, I think, largely on behalf of the other provinces that we watched as the federal government said they were going to extend their initiative from closing it off in March of 2006 to closing it off in March of 2007.

The fact of the matter is that Premiers across the country have recognized that the federal government has made its decision and is sticking with its decision. It is one of the challenges we face in terms of fiscal imbalance. Candidly, it is not the same thing as the agreement that was signed in Kelowna, which was not signed in Kelowna. There was not a federal agreement signed in Kelowna with the 14 leaders. There was, in fact, a communiqué released where we agreed. There was a transformative change agreement signed between the federal government and the province of British Columbia. We have every expectation that that agreement will be done.

The child care was not, at least as far as I know, signed across the country. There were a number of provinces that hadn't completed an agreement, come to an agreement, and there were only three, I think, that had signed an agreement. It's hardly the same thing as what took place in Kelowna. It is not the same thing as the transformative change accord.

Would it have been easier for everyone if things had carried on? Sure it would have been. But it would have been more difficult for the people who ran on a platform that child care was fully debated during the federal election

It was clear what the choices were, and the people of Canada made a choice. The federal government have now decided that they're going to live up to their commitments to the people of Canada. That's what we would expect of them, that's what the opposition would expect of them, and that's what we're going to get from them, I think, with regard to this particular initiative.

[2035]

C. James: I have to say that I think the people of British Columbia also expected.... This is no comparison to the Kelowna accord. These are two different but important issues to the people of British Columbia, to the children and families of British Columbia.

The Finance Minister, in the budget speech — the Premier's budget that was tabled — said: "We're developing a program for women who, for whatever reason, are entering or re-entering the workforce, because British Columbia has to help those women." We need to help their transition, because we know that many women, for a variety of reasons, face challenges entering or re-entering the workforce. Well, it's very clear that one of those great challenges here in British Columbia and in other provinces is the issue of quality, affordable child care.

I wonder if the Premier could tell the people of British Columbia, the women and children and families of British Columbia, why child care did not make it on his list of the top five issues he felt were important to talk to the federal government about.

Hon. G. Campbell: There is a whole range of issues we deal with federally. I think it is important to note that we were the second province to be in with the minister talking to the minister as the chair of the ministers responsible. The Minister of Children and Family Development and the Minister of State for Childcare were there talking with the minister about what could happen.

I think it is important to note that the program was in place and was due to expire in 2010. It is now going to expire in 2007. The real issue for us is: how do we maximize the benefits for British Columbia?

I appreciate the lecturettes from the Leader of the Opposition with regard to what the people of British Columbia expect, but I can tell you what they expect. They expect us to live within our means. They expect us to live up to our commitments. They expect that when we say a program is going to be delivered, we have the resources there to deliver it, unlike the NDP government, which did the exact opposite of that.

I think it's important to note that they expect us to continue to work to find improvement. That's why, in fact, we did increase the threshold for full subsidies from \$21,000 to \$38,000. That was an improvement. It may not be perfect, but it was an improvement. We did increase the number of children eligible for subsidies by 10,000. Another 6,000 were eligible for increased benefits. It may not be perfect, but it was an improvement.

We have an annual budget for subsidies that has been increased by \$19 million this year. Again, it may not be perfect, but it's an improvement. Child care operating funding is increasing 36.6 percent this year. It may not be perfect, but it is an improvement.

You know, when you think about this, due to the inclusion of the policies that this government has put in place, we now have 34,000 additional child care spaces. Again, it may not be perfect, but it is an improvement.

When you talk about thinking about families generally in British Columbia, we've been very clear. We've got special programs to help women get in-

involved in the workplace, to provide them with support to make sure they have skills training if they want it or trades training if they want it. We have employment focused on income assistance for women. They have 112,000 clients. We're working on making sure that can work for them. We have a new \$5 million bridging program for employment. All of those things are important. They're important for expanding child care opportunities.

The Leader of the Opposition may not agree with the federal government's decision to put \$1,200 a year in everybody's pocket for their child. It may not be enough, but it is what they've decided to do, and I can't believe the opposition wants to take that \$1,200 out of people's pockets. I can't believe they think we should now try and find some way to fulfil the previous federal commitment.

[2040]

What we're trying to do is maximize the benefits of the federal program that was committed to during the election, which has been delivered on by the federal government, for the families of British Columbia, for the children of British Columbia. We will keep doing that so that as many families as possible can benefit from the federal and provincial contributions to child care programs across the province.

C. James: The Premier is continuing to use the kind of math he has used and his ministers have used in the Ministry of Children and Families and other areas of government, where you cut, cut, cut for a number of years and then put money back and try to convince everyone that it solves the problem. Well, it doesn't solve the problem. You can't gut programs and then expect that a little bit of money is going to solve it. It's not going to solve it.

Another question on child care. We heard the Finance Minister stand up and talk in glowing terms about the federal budget. We heard her, in fact, say how wonderful and positive the budget was for British Columbia, despite the absence of the Kelowna accord and the loss of \$400 million for child care that the Finance Minister had factored into her own budget.

I'd like to ask the Premier why, given these key losses to British Columbia, his Finance Minister was so positive about the budget and, second, how he and his Finance Minister intend to make sure that child care is available, given the loss of that \$400 million.

Hon. G. Campbell: Candidly, I would take this government's record on child care over the NDP government's record any day. You know, when the Leader of the Opposition designed a child care plan and her colleagues in the NDP didn't fund it one cent, we didn't hear one word from her. She ran with the NDP, saying: "Isn't this great? We've got a child care plan with no money behind it." That's not great. It's not great for families. It's not great for the NDP, but it's typical of the NDP.

There is a difference for us. We said we were going to fund resources. We're going to put resources where we think they will do the most good. We expanded the number of child care spaces that were available. We

expanded the subsidies that were available. We expanded the number of children that received subsidies. That's important, and we're going to continue to do that.

The NDP continues to say: "Why don't we fight the fight with the federal government?" They've already told us: "This is what we're doing." What we said to the federal government was: "We think you have to do better." They did. We've said, "We're going to work with you," and we're going to work with them on a whole range of issues.

There are going to be days when we don't agree with them, and when we don't agree with them, we're going to try and find ways to maximize benefits for British Columbia. We're going to try and find ways to maximize benefits for B.C.'s families. That's exactly what we're going to do.

You know, it works for British Columbia. Generally, across the board, it has worked. There are going to be times when there are political decisions made, whether it's in this House or in the federal House or at a local level, which I may agree with or I may not agree with. But our job is to maximize the benefits of the taxpayers' resources that go....

I don't hear the opposition leader saying: "You should actually create, somehow, another \$400 million out of the blue." What programs does the Leader of the Opposition want to cut to do that? I haven't heard her ever.... I've never figured out how the opposition manages to say they're for balanced budgets. They vote against every tax cut that takes place. They vote against every budget that takes place. They only want more.

The issue for us is: how do we maximize the benefits that are available to British Columbians? That's what we've done with our child care strategy. We'll continue to do it with our child care strategy.

The fiscal imbalance issue that I raised earlier tonight is an issue that I would welcome hearing from the Leader of the Opposition on. Maybe the Leader of the Opposition thinks we should remove tax room from the federal government and put it here so that we can make those choices on our own. Maybe she thinks there should be massive national programs that are decided on federally and not in British Columbia. That's what's happened in the past. That's why we haven't been able to rely on them.

[2045]

Maybe she thinks we should have a different strategy in terms of dealing with equalization across the country, because I'm sure the Leader of the Opposition understands that there are different programs in different parts of the country and that there are different levels of success.

I can tell you that in talking to Premiers about the initiative that the federal government has undertaken.... Sure, we were all disappointed, and we all made a strong case. We made one of the strongest cases. Our ministers were there talking directly with the federal minister responsible. Our Minister of State for Intergovernmental Relations was at the meeting

with the Prime Minister making as clear a statement about those things as he could.

The Prime Minister listened. The minister listened. They expanded the program from 2006 to 2007. It's one of the issues we dealt with when we dealt with child care initially. We said: "If you launch a federal program, how do we know it's going on forever?" The answer is that you don't.

That's why fiscal imbalance is so important. Fiscal imbalance is important for us in terms of child care, health care, education, aboriginal issues, transportation and public safety. You don't hear anything about fiscal imbalance from the opposition.

Let's hear something positive. Let's hear something constructive. Let's hear something that will actually work for British Columbians, instead of just trying to score points in a debate with the Prime Minister which, frankly, won't do any good to us in British Columbia and is not going to do them any good in Ottawa either.

C. James: I'd suggest the Premier relook at his strategy, because I can tell you that it's sure not working for working families and children in British Columbia who have lost \$400 million to our province.

We will continue to stand up for those voices that are being ignored by this government. We will continue to make sure they're being heard. The Premier can continue to use all the rhetoric he wishes, but it doesn't solve the problem for people who are struggling out there.

To try another issue with the federal government, to talk about climate change and global warming. This is an issue that we expect British Columbia to work on in conjunction with the federal government: the issue of climate change.

If you take a look at the most recent poll that came out last month, it showed that nine out of ten Canadians think climate change is a serious problem. Another poll was conducted as part of a study by UBC forestry and surveyed Quesnel residents. It found that 70 percent of people in that community are concerned about climate change.

I'd like to ask the Premier if he agrees that climate change is a serious problem and what effects of global warming he and his government are noticing and documenting.

Hon. G. Campbell: Yes, we do think that climate change is a challenge for all of us. Today, in fact, we are the first government in British Columbia to introduce a climate change plan. I'm sure that in the Environment estimates they had a chance to talk about that. British Columbia is, indeed, leading in so many ways. I think it's kind of traditional for the opposition not to be able to see the good things that are happening. They're always so negative and so pessimistic about what's taking place.

Currently over 90 percent of our power comes from clean sources — 90 percent. One of the challenges we had with the nationally imposed climate change strategy was that no one was giving British Columbians any credit for the fact that well before it became popular, well before it became something everyone was talk-

ing about, British Columbians were investing — our taxpayers were investing — in improving our climate, improving our air quality. That's why 90 percent of our power today does come from clean sources.

Hydro's greenhouse gas emissions from electricity were reduced by more than 50 percent, and we've launched a new energy plan calling for new power that would use clean power, that would use alternative energies which would maximize their benefits.

The whole issue around the mountain pine beetle, whether people in the House recognize it or people in the public understand it or not, is a major climate change challenge. We have said that to the federal government. We have encouraged them to be part of re-planting, of restoring our watersheds, ensuring our environmental infrastructure is in place.

[2050]

We have a strategic plan target which talks about reducing greenhouse gases. Right now in 2003, B.C. has the third-lowest per-capita greenhouse gas emissions in Canada, behind P.E.I. and Quebec. It's important to improve that standing within Canada, and we intend to do just that. Our climate change strategy is about bringing British Columbians together, having the federal government recognize what British Columbians have done, having them recognize the leadership that we've shown and continuing to make improvements.

We are the same government that saved Burns Bog. It is this government that stopped the Sumas 2 power plant. This is the government that invested \$1.7 billion in the Canada line. This is the government that has been investing hundreds of millions of dollars in the northeast sector Evergreen line. This is the government that's bringing transit back to the Port Mann Bridge alignment. This is the government that is going to continue to work to improve the quality of our air and to work on climate change with a comprehensive and thoughtful strategy that will prove helpful to all British Columbians and an example for the rest of the country.

C. James: While I appreciate the Premier talking about the government's climate change plan, released at Christmas 2003 — the Premier, who is so fond of having measurable targets and performance goals — in fact, that report contained no measurable targets for reducing emissions. My question to the Premier: why is that?

The Chair: Noting the hour, Mr. Premier.

Hon. G. Campbell: Noting the hour, I'd like to give you this answer first.

The Chair: We would like that. Go ahead.

Hon. G. Campbell: If I can just note the hour and give you this answer quickly. The government has a specific greenhouse gas-emission target in our strategic plan. It's called per-capita greenhouse gas emissions. That's pretty specific.

I should point out that when the opposition was asked what their measure would be, they said that they

would like the measure, for the great goal, to be the amount of dollars provided for public transit. Well, let me tell the opposition that we are providing more dollars for public transit today than has ever been provided before: \$1.7 billion for the Canada line, hundreds of millions of dollars for the Evergreen line and expansion of the bus fleets across the province.

We are investing in reducing emissions in our vehicle fleet across British Columbia in the government. We are committed to making sure that our actions speak as loud as anybody's words in terms of dealing with climate change. We want our economy to thrive; we want our environment to thrive. That's what we intend to do in British Columbia.

Mr. Chair, noting the hour, I move the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 8:54 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of Supply (Section B), having reported progress, was granted leave to sit again.

Committee of Supply (Section A), having reported progress, was granted leave to sit again.

Hon. G. Abbott moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until 10 a.m. tomorrow morning.

The House adjourned at 8:54 p.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL

The House in Committee of Supply (Section A); H. Bloy in the chair.

The committee met at 3:07 p.m.

On Vote 37: ministry operations, \$523,967,000.

Hon. J. Les: I'm pleased to present the estimates of the Ministry of Public Safety and Solicitor General this afternoon.

I'd like to begin by introducing the staff who are with me here at the table this afternoon: David Morhart, to my left, my Deputy Solicitor General; Jim Crone, the

assistant deputy minister for management services in the ministry; and Cam Filmer, who is the acting executive director of the provincial emergency program. I want to acknowledge the hard work, dedication and commitment of all of the staff throughout my ministry. I'm proud of the work that they do for and on behalf of the people of British Columbia.

The ministry's portfolio includes a wide range of public safety programs, such as law enforcement and corrections; crime prevention and victims services; emergency preparedness, response and recovery; the coroner's service; driver safety; fire prevention; liquor and gaming regulation; and consumer protection.

The ministry is responsible for two Crown corporations and one agency, the agency being the liquor distribution branch and the Crown corporations being the British Columbia Lottery Corp. and the Insurance Corporation of British Columbia. The ministry also includes the crystal meth secretariat, which leads and coordinates cross-government initiatives aimed at attacking the use and production of one of the most dangerous drugs on our streets today — that being crystal methamphetamine.

Every day the staff in my ministry work to make sure that B.C.'s communities and residents are safe and that they stay that way. We are all working to support government's five great goals as they relate to the health and public safety of all British Columbians. That work is reflected in the ministry's goals of protecting citizens and communities from crime, enhancing public safety and safeguarding public interests.

There are a host of challenges to public safety. Some of these include Internet child pornography and Internet luring, drug addiction, grow ops and drug labs, organized crime, gang violence and dangerous driving. While these challenges are not unique to British Columbia — they exist throughout world — what is unique to B.C. is our response to these challenges. We continue to seek new and innovative ways to enhance public safety in our homes, neighbourhoods and communities.

[1510]

Last December we hosted a Provincial Congress on Public Safety. Its purpose was to strengthen partnerships with other levels of government and the public and to find new and novel approaches to public safety. We are following up on matters raised at the congress and will also host a second congress on public safety in early 2007.

I am proud of our ministry's record, and in the months ahead we will continue to build upon the achievements that we've accomplished and continue to promote and implement cutting-edge approaches to enhancing public safety in all areas of the work of the ministry.

We are committed to protecting the most vulnerable in our communities. That is why we are combating Internet child pornography and the sexual exploitation of children with specialized police teams such as the integrated Internet child exploitation team and the integrated sexual predator observation team. We have committed \$13 million over three years to improve capacity in the B.C. Coroners Service to reduce back-

logs, including child death reviews. Reporting structures have also been enhanced, and new staff have been hired to address caseload volumes. The Coroners Service will continue to play a vital role in complementing and supporting the role of a new child representative, as recommended by the hon. Ted Hughes and agreed to by government.

We are strengthening our fight against the growing problem of substance abuse. We are leading integrated efforts to combat the production and use of crystal meth. Through the crystal meth secretariat we are working toward increasing awareness of the dangers of crystal meth in schools and in communities, supporting first nations in their efforts to respond to the production and use of the drug and reducing its production and supply while enhancing specialized treatment services. We've held a series of community forums in key communities across the province highlighting the dangers of this terrible drug.

We are also teaming up with municipal police, firefighters and electrical inspectors to discourage marijuana grow ops in residential neighbourhoods in this province, and we are continuing to push for tough new minimum sentences under the Criminal Code for drug traffickers, as well as for the immediate extradition of foreign traffickers.

We are fighting back against organized crime. We have brought in civil forfeiture legislation, which will target organized crime and allow us to seize the profits of unlawful activity. Recently we appointed a director for the civil forfeiture program to oversee the implementation and administration of this new act. We want to send a clear message that criminals in this province will not benefit from unlawful activities.

We are also continuing the crackdown on criminal gangs through the new dedicated funding for B.C.'s Integrated Gang Task Force. The escalation of gang violence is unacceptable, and we've committed \$10 million a year to ensure that the task force has the sustained resources necessary to turn this cycle of violence around. There are now 60 full-time police officers and 16 civilian staff on this task force.

We're working to make our streets safer throughout the province. Each year car accidents and hit-and-runs kill more British Columbians than all violent crimes combined. In response, we've enhanced road safety enforcement in British Columbia. We are providing police in the lower mainland with British Columbia's first dedicated, fully equipped traffic safety helicopter. Known as Air One, the helicopter will help police spot and track dangerous drivers and will reduce the chance of high-speed chases that put the public at risk.

Our enhanced road safety initiative also includes the successful bait car program and the establishment of specialized, integrated road safety units around the province. Along with targeting aggressive and impaired drivers, the units help to ensure seatbelt compliance and intersection safety.

In conclusion, we are working hard to keep our communities safe. As always, there's always more work to do, but I believe that the steps we've taken to date have made this province a safer place to live and

to raise a family. I look forward to responding to questions that members opposite might have.

[1515]

J. Brar: First of all, I would like to say thank you to the minister for providing a brief snapshot of the service plan. Before we begin to ask questions, I would like to say my sincere thanks to each and every staff member working in the ministry for their commitment and hard work to make the community in British Columbia safer and to protect the community from crime.

I would also like to thank those staff members who have been helping the minister — particularly in preparing for these budget estimates — for their hard work, because this week we will be here to talk about those issues and ask questions. My thanks also go to my staff members, although we have very few staff members as compared to the minister. That's the nature of the job — to prepare and ask questions to make sure we can hold the government to account.

My role as a member of the opposition is to ask questions with regard to public safety, particularly the public policy vision, goals, objectives and funding allocations as indicated in the service plan. I'm here to do that job particularly, but I would like to emphasize the fact that I have no intention to question the commitment or dedication of any staff members working within the ministry. Once again, my thanks to all the staff members who have been working very hard in this ministry.

With that, I would like to begin by asking a simple question, the first one: can the minister provide a description of any major budgetary and FTE changes in the current service plan, as compared to the last one?

Hon. J. Les: I'm pleased to provide that information to the member. The budget for '06-07 increases by a net \$22.1 million over '05-06. There are RCMP wage increases of \$14.3 million and \$10 million for the Integrated Gang Task Force. There is, as we've previously noted, \$3.2 million of this year's budget for the coroners service. There's funding for public service staffing cost increases, which relate to employee benefits, of some \$2 million. There's an additional funding of half a million dollars for the crystal meth secretariat, which coordinates the provincial \$7 million cross-ministry budget envelope for crystal meth initiatives, and there's additional funding for the native court workers program.

With respect to full-time-equivalent additions in this year's budget, there is a budget increase of 46 FTEs. To be a little bit more specific, that means we go from 2,447 employees or FTEs to 2,493. That is primarily due to additional staffing required in the coroners service and in the corrections service, as well as police services.

J. Brar: Can the minister provide some specifics on the 46 FTEs as to how many were for the coroners service, for policing and the others?

[1520]

Hon. J. Les: I certainly can do that. As I said, the global figure is 46 FTEs; 22 are in the B.C. Coroners

Service, 16 are in corrections, and eight are with police services.

J. Brar: The service plan points out on page 26: "There have been significant changes to the performance measures identified since publication of the...2005/06-2007/08 Service Plan Update." It further states that some new measures have been added. Can the minister provide a specific description of those new performance measures?

Hon. J. Les: With respect to the performance measurements. As the member, I think, is aware, the performance measurements of the previous fiscal year, '05-06, are still contained within the service plan there. In the appendix, however, what we've tended to do is replace those with a set of performance measurements that are more meaningful and that are more outcome-focused.

This is actually in response to observations by the Auditor General, who suggests that we need to continue to work on performance measurement to make it more meaningful. For those members of the public, frankly, who might have an interest in reviewing what the ministry's aims and objectives are, an outcome-based performance measurement process, I think, is more meaningful and thus more transparent for the public as well.

J. Brar: My understanding is that whatever performance measures have been included in the service plan are final. There are none, other than that edition on the website or somewhere else, after the publication of this particular service plan. If that's the case, I understand that. If that's not the case, I would ask the minister to clarify that.

Hon. J. Les: I'm not sure I completely understood that question, but I'll try this in terms of reassuring the member. We are focusing on and we daily work with the service plan as it's published.

[1525]

J. Brar: I will read again from this particular page, page 26. I would add a few more things to make my question clearer. There have been significant changes to the performance measures identified since publication of the '05-06 and '07-08 service plan updates, and it further states that some new measures have been added.

In addition to that, on the website, as compared to the printed copy supplied to us of the service plan.... Is there any change on the website as compared to the printed copy supplied to us at the time of the budget?

Hon. J. Les: No.

J. Brar: My last basic question will be on this one. I asked about the FTEs and the budget. Is there any change, other than the FTEs and the budget, which the minister thinks is a significant change in the service plan as compared to the last one?

Hon. J. Les: The budget that my ministry has brought forward for this year is basically business as usual. There are always little tweaks and adjustments, as I'm sure the member appreciates.

For example, a new item in this year's budget is the civil forfeiture program. The member will remember that we passed that legislation last fall. While we are now in the process of ramping that up, it's not going to be a major expenditure item this year, but we have reflected that in the budget documents as we are, as I said, now just getting that program underway.

It is little items like that that will be reflected in the budget, but in terms of any major changes of direction, I don't think you'll find any of that in the documents.

J. Brar: With that, I will move on to the first part of the various different departments, and that is the provincial emergency program. Before I start that, I just want to repeat.... There has been a bit of communication between my office and the minister's office that this is how we are going to proceed, and I certainly need a nod from you. We will start with the provincial emergency program, move on to the crystal meth secretariat and then office of the superintendent of motor vehicles, policing, Victim Services, liquor, corrections, consumer affairs, office of the fire commissioner, gaming, B.C. Lottery and ICBC. If that's the correct order, then I would like to move on to the provincial emergency program.

Under objective 2.2 there's one thing which says: "...implementation of the Filmon recommendations resulting from the Firestorm 2003 review." I would like to ask: has the minister prepared any business case to implement Filmon's recommendations resulting from the Firestorm 2003 review?

[1530]

Hon. J. Les: With respect to the Filmon recommendations, it was the position of our government that once those recommendations were made available, we needed to implement those quickly. It didn't call, necessarily, for the generation of a business plan. First of all, the recommendations were very straightforward and, I think, made a lot of sense. It was a very practical and pragmatic set of recommendations, so we've proceeded to implement them.

Today I'm happy to report that all of the recommendations of the Filmon report have been implemented — 42 out of 42, including several which were directly the responsibility of the provincial emergency program. Those were, for example, such things as making local emergency programs mandatory.

Now, we just didn't say: "Regional districts and municipalities, make sure this happens." We also made funding available so that they could undertake that work. Fairly recently, for example, with the municipal elections just having been completed in November of '05, we've made available and hosted a number of workshops across the province for newly elected officials so that they could become familiar with their responsibilities under the provincial emergency pro-

gram. We also standardized the emergency response management system in the province as well as the incident command system.

There are a number of initiatives like that that we've undertaken, so again, I don't think it revolves too much around whether or not there was a business plan. There was a well-considered report that was produced by Mr. Filmon, and we got on with the job of implementation, and that is now complete.

J. Brar: It's very interesting to note that there was no business plan required to implement the recommendations of the Firestorm 2003 review. Well, the recommendations made by Mr. Filmon, of course, were done after a lot of consultation in the community and a lot of work. When you implement them — from my understanding — you probably need some staffing. Probably you also need some funding to implement certain recommendations. Probably you need to talk to, as the minister mentioned, different municipalities.

There must be some sort of action plan to follow through, because you have a number of very important recommendations to make sure that the implementation is completed in a timely manner and effectively and that it's fully implemented. So it's a bit surprising to hear that there was no business plan or that there's no plan to implement all the recommendations. With that comment, I would like to thank the minister and to note that all the recommendations have in fact been implemented.

Can the minister tell me if a snowstorm is defined as a disaster or not?

Hon. J. Les: Well, it's been awhile since we've had a severe snowstorm in British Columbia, but snowstorms are, in fact, one of those events that can be classified as an emergency under severe weather. The last one that I recall in the lower mainland area was.... I believe it was 1996 when there were very severe snow conditions. Again, local emergency programs come into effect when those happen.

I was a mayor in the Fraser Valley at the time when the snowstorm hit in 1996. Every community invokes its emergency plan as required and reacts appropriately.

[1535]

As the member, I'm sure, understands, when there are issues that cannot be dealt with at the local level, the provincial emergency program comes into the picture, as well, in a coordinating and facilitating role. So the answer to the question is yes, snowstorms can trigger an emergency declaration.

J. Brar: If that's the case, will the ministry cover any damage, such as for farmers losing their crops because of a snowstorm?

Hon. J. Les: I need to be pretty cautious here. I don't think there is one blanket, one-size-fits-all type of answer to that question. Every event has its own particular set of circumstances.

If there is crop loss due to an untimely snowfall, for example, there may well be other — particularly fed-

eral — programs available that would engage in a situation like that, as well as other types of insurance.

Clearly, we want to always be sure that we're exhausting all of the options that are available before we commit provincial funding. That hypothetical question is very situation-specific, and I don't think there is one answer that will address all of those hypothetical situations.

J. Brar: It's not a hypothetical question. It is a real question. I would put it this way. What would the ministry cover? If the minister can define that for me, that will help. At least if somebody contacts me, I can explain to that person that this is how it's defined — that this is how it's seen. What exactly will be covered? Can you define that?

Hon. J. Les: Again, whether or not funding would be available as a result of an untimely snowstorm, as I said, is somewhat hypothetical. I can't help but remark that I was quite surprised — I think it was on Friday of last week — when I was in 100 Mile House and there was still snow on the ground, freshly fallen that morning. No particular damage results from that kind of snowfall.

I think what the member probably has in mind is something that would occur perhaps in the very early fall in the Peace River or something like that. Again, I'm not going to be able to give completely specific answers with respect to that. Even then, there would be highly variable sets of circumstances and provisions that would apply. I think it would be foolhardy for me to try this afternoon to set a firm set of guidelines as to what is and what is not covered in terms of provincial funding in respect of that type of emergency.

J. Brar: Will the minister confirm, then, that there are no set guidelines at this point in time when it comes to snowstorms covering the crops?

[1540]

Hon. J. Les: In the event that there's an untimely snowfall, as I think the member refers to, and there is crop loss suffered as a result of that, there would be adjusters made available to quantify the extent and nature of the losses. Then there would be very close consultation with the federal government as well, as they are often involved in those kinds of compensation programs. An adjudication is made on a case-by-case basis, whether or not a certain event qualifies for disaster financial assistance.

J. Brar: I'm trying to get clarity on this issue. It has been a bit of a challenge, so I will try to rephrase my question. There could be civil servants of course dealing with this situation. But what criteria are they going to use when it happens and as it happens? Are there any criteria, any policy, any guidelines on a piece of paper or not?

Hon. J. Les: I want to advise the member that as far as disaster financial assistance is concerned, those

guidelines are available. They're on the ministry website, and fairly recently community recovery guidelines have been added as well.

As always, no two disasters are the same — not by any stretch of the imagination. They are in fact what I said they were — guidelines. They cannot be terribly specific in many cases, but our staff and our adjudicators are very skilled at determining what qualifies for assistance and what doesn't. I have a great deal of confidence in the emergency program's ability to assist people in times of emergency and in times of need in communities, helping them to (a) get through the emergency itself and (b) recover from that emergency when damage has occurred.

J. Brar: Is that based on purely a judgment made by the staff member, because there are no concrete guidelines when it comes to a snowstorm? As I say, if you have a copy, I would like to have a copy. But if not, is that clearly based on the discretionary judgment of the adjuster?

[1545]

Hon. J. Les: Well, I will say again that what we're talking about here are guidelines, and necessarily, we need to utilize guidelines when we address these kinds of situations. There is no one-size-fits-all emergency. There are no one-size-fits-all responses. Every situation is different from the one previous and the one that will happen next week.

The guidelines we're talking about are actually nationally adopted guidelines. They have withstood the test of time. There will always be at least some subjective determination, as well as objective determination, as to whether or not a situation qualifies for disaster financial assistance.

I would suggest that it is well nigh impossible, in a discussion like this, to determine precisely what those rigid rules and regulations are that determine whether or not something qualifies to be declared as a disaster and, thereby, qualifies for disaster financial assistance.

J. Brar: I would just make a comment and then probably move on to my next question. I'm certainly not asking for so-called rigid guidelines, but I'm certainly asking for some sensible directions to the person — whether it's an adjuster, staff member or whomsoever — to base his or her judgment on certain given, clearly identified criteria, guidelines, set of rules or whatever you want to call it. That's what my question was. My take is that we don't have a specific, objective set of guidelines when it comes to snowstorms.

With that, I would like to move on to the last question on this file. When we talk about the provincial emergency program, what are the key challenges to the province, and what is the preparation of this ministry?

[1550]

Hon. J. Les: In terms of challenges, I'm starting to feel slightly challenged this afternoon, because I think I gave the member a pretty decent answer in terms of

the previous issue: what are the guidelines around eligibility for disaster financial assistance? I did say to the member that those guidelines are available on the Web. I'm a little disappointed, frankly, to hear back from the member that I hadn't supplied him with that information.

In terms of the challenges for the provincial emergency program, let me say, first of all, that I believe it's fair to say — and it certainly is something that not just we have said but that others across the country are saying — that the provincial emergency program that we have here in British Columbia is in fact one of the most outstanding ones in the entire country. That said, however, it's clear that there's an ongoing need to make sure that we maintain the position of excellence which I think we have today.

In terms of some of the things that we need to continue to pay attention to, those would be, for example, the integration of various agencies that are responsible for emergency management, as well as the integration of municipal and regional emergency programs. When each of them have very excellent emergency response programs but they're not integrated one with another, there's still a big gap. We have been working, I think, very successfully with local and regional governments to make sure that their plans are as integrated as they possibly can be.

Another challenge — and I don't think this would be a particular surprise — is the challenge of enhancing public awareness. There are lots of examples, I think, around the world of disasters that might have been handled more competently had there been a higher level of public awareness.

I think we have a great emergency plan and emergency program in British Columbia. Our challenge is to make sure that British Columbians know what to do in the event of an emergency and how to respond and how to react. I think that's an ongoing challenge, something that we do, for example, with — what was it? — Emergency Preparedness Week, which we just celebrated two weeks ago, with considerable effect. Some of the major media, particularly in the lower mainland market, focused very specifically on emergency preparedness and ran a number of programs on it. I think that's good work. That's the kind of thing I'd like to be able to continue to support.

J. Brar: I would like to move on to crystal meth. Do we have the staff members here?

Hon. J. Les: Yes, absolutely.

J. Brar: The service plan indicates that the purpose of the secretariat is to lead the development and implementation of the integrated framework targeting the use and production of crystal meth. Through the framework, government will work towards certain things.

My understanding is that we already have a person who is going to work to do this job. Can the minister

tell us: what are the performance measures, if the minister has set any, for this position?

[1555]

Hon. J. Les: By way of introduction, joining me for this part of the estimates is Rob Kroeker from my staff.

With respect to performance measurement in this area of public policy — I guess it would almost be glib, but I don't want to be glib — performance measurement here is, obviously, a decreased use of crystal meth and, hopefully, at some point, the elimination of the use of this terrible drug by any British Columbians. But we have a lot of work to do; we're not there yet.

The action plan of the secretariat actually has a lot to do with integration of the government response to the crystal meth challenge. The crystal meth secretariat is not itself about designing new programs and new approaches. It is about making sure that the various responses of government, regardless of ministry, are integrated and recognize that there are various ministries in government that all have something to do with combating the crystal meth challenge.

We have a response, for example, in the Ministry of Education. That ministry is at the moment hard at work in developing materials that will be made available in classrooms this coming September.

We recognize — I believe rightly — that prevention is a very important part of this work. When you're dealing with a drug that is as dangerous as crystal meth, you want to try to be sure that no one ever takes the drug in the first place, because just taking that drug a few times can actually do long-lasting and irreversible damage. Public awareness is an important part of that. I think I've almost alluded to that in my comments. We need to be sure that people who are exposed to crystal meth are aware of the damage that the drug can do.

[S. Hammell in the chair.]

There is training that's required for emergency professionals, for example — ambulance attendants and others. We have made community grants available to municipalities across the province, including first nations, to enable them to set up community response groups and community awareness groups. I think that has achieved some success around the province. As well, in the Ministry of Health, additional beds have been committed to the treatment of crystal meth.

This is very much a cross-government initiative. It does not in and of itself create new programs. It ensures that the various programs in various ministries complement one another and are integrated with one another so that we can most effectively combat this particular drug abuse epidemic.

J. Brar: I appreciate the response from the minister, but when I asked the question about the performance measures — I would like to maybe give more clarity to it — what I was asking was....

You mentioned a number of things, talking about the school awareness, training and all that. Let's talk about only the training part. There may be 10,000 employees — I'm just giving the number — in the province who need crystal meth training, whether it's hospital employees or other departments. In schools we talk about the counsellors, or in the fire department, the people working on....

How much time will it take to reach that training? That's one component of this whole thing, when we talk about the integration of services, so there must be some sort of plan or — I will use the word again — business plan so that we can see what we want to achieve, how much time it will take and where we are. Does the minister have something like that, or does the minister intend to prepare something like that?

[1600]

Hon. J. Les: With respect to the business plan — or, in this case, I actually prefer to use the description of an action plan, because action is important here — there are a number of initiatives that are ongoing. I've already referred to several of them.

Another one that's very important — and the member asked about this — is training. There's training going on all the time. There was a session dedicated to this recently at the Justice Institute that included fire, police and ambulance, and other professionals like that, who spent an entire day learning about crystal meth and the particular challenges it poses.

I attended for a short while during that day, and I was quite impressed with the number of people that turned out. I think there was something in the order of 300 to 400 people who availed themselves of that day's training. That's just one example of the kind of thing that is going on.

Another way we do that, of course, is through the use of electronic means — in other words, the compilation of CDs. Training programs delivered in that way can be very effective.

I was in 100 Mile House just the other day and was listening to the fire commissioner discuss with the various fire departments, in a morning meeting that I attended, how much those fire departments, particularly rural fire departments, appreciate the information they can access by provision of the appropriate CDs and other material like that. I think there's a great dispersion of information made available to emergency professionals and volunteers in that way, and that, of course, is going to continue.

What's important is that we have this secretariat within government and within my ministry that will attempt to coordinate that so we have some sense of where the information is, who has it and who still requires it.

J. Brar: I appreciate the minister at least talking about the action plan, which I hope will have time lines as well.

I would ask, just on one component out of that action plan — I know there are many, but on one: how

many people in the province need training? What is the number? How much time would that take?

[1605]

Hon. J. Les: We don't have a particular global number as to exactly how many people it is that need this type of training, but make no mistake; we are making the tools and the resources available so that those emergency response groups that we know need the training are able to access that training. We may never count them, but we will be assured that they will have that training.

Similarly, teachers in our education system need a form of training as well. They will be able to access that in the months ahead. That's another very large group of people that I think it's important have access to that knowledge and that information. So there are, for example, ambulance paramedics who need that training, there are doctors who need some aspect of that training, there are teachers, and there are emergency room personnel — all of these people in different ways. The corrections officials need some of that training. All of them are going to be exposed to varying degrees of knowledge, as appropriate, with respect to the effects of crystal meth and how to act and react when they're faced with the challenges that it poses.

J. Brar: Can the minister provide some estimated time line as to when it will be over — like 2008, 2009, 2010, 2012 — when we would complete at least the first cycle of this training program, which we call: "We complete all the bases? "

Hon. J. Les: The training through the Justice Institute and the DVD compilation is all work that is going to be completed this year. That will reach an enormous number of the kinds of people I was just talking about.

I wish I shared the member's optimism. I think he said at one point: "When will this be over?" I think this is an ongoing fight. Unfortunately, it is too often the case that these drugs, once they find their way into society, take a long time to eradicate. But that having been said, it's important to note that we're going to spare no effort to, first of all, prevent the use of crystal meth and, secondly, just as importantly, to make sure that those who have become addicted to crystal meth can find the resources and the treatment they need to deal with the after-effects of that terrible addiction.

As I've said to the member previously, I think we have been recognized across the country for taking a leadership role with respect to crystal meth, openly dealing with it in a way that many other provinces even to this day have not done. But I am confident that as the months and years unfold, we'll reap the benefit from that as well. I very much anticipate that addiction rates to this very lethal drug, in particular, will be coming down.

[1610]

J. Brar: I just want to make one correction. I never mentioned: "When will it be over?" I said: "When will

the first cycle of that plan be over?" So that was my comment.

I would like to move on to the next question. Does the ministry provide any treatment program for crystal meth addicts in our correction facilities?

Hon. J. Les: With respect to our corrections facilities, there are programs available within those facilities. It's basically a three-pronged approach that is being utilized: firstly, educating staff and offenders regarding the risks of crystal meth use; secondly, intervening with offenders using existing substance abuse programs; and thirdly, preventing, of course, the production of crystal meth within correctional centres.

We know that the use of illicit drugs is a significant, contributing factor to criminal behaviour. The corrections branch uses a system of psychoeducational programming for substance-abusing offenders in both community and institutional settings. It's combined with one-to-one counselling sessions while in custody, and with referrals to community-based drug and alcohol agencies for offenders that are under supervision in the community.

J. Brar: What is the estimated number of crystal meth addicts in the province at this point in time?

Hon. J. Les: There has been some research done in terms of how many people have tried crystal meth. Some of it is national data. In Canada, for example, 8 percent of 15-to-19-year-olds and 11 percent of 20-to-24-year-olds report having used amphetamines, including methamphetamine, in their lifetime. That's not specifically an answer to the member's question, because I think the member is talking about those who have become addicted.

In British Columbia, studies indicate that 9 percent of students in grades eight to 12 — and this study was done in three school districts — reported using methamphetamine in the last year. In Vancouver the use of methamphetamines on behalf of gay men increased from 10 percent in 1997 to 25 percent in 2003. In Vancouver 67 percent of Vancouver street youth report having used methamphetamine. What does that tell us in terms of who actually is addicted today? We know that approximately 20 percent of people who use crystal meth become addicted to crystal meth. We know that by 2004 there were 33 deaths that were related directly to crystal meth use.

That gives us a bit of a picture in terms of the number of people who are experimenting with crystal meth. That gives us a bit of an insight as to how many people may be addicted. It gives us the numbers in terms of how many people are dying directly as a result of crystal meth use, but I think the latter statistic is probably somewhat light in terms of conveying accurately the seriousness of the impact of this drug.

[1615]

It is, obviously, the case that although someone may not die from using crystal meth, there is nonetheless a great likelihood of permanent and irreversible damage that that person will not be able to overcome.

J. Brar: My question was very simple: how many people? What is the number of people? Certainly, there have been lots of studies done.

I would ask the minister this question then. During the last year we have seen that crystal meth is a huge, growing problem in the province. I have heard the hon. minister on various occasions saying that as well. I understand there were a number of community forums that were connected, but one other thing which I think is very important to do is identify how many crystal meth addicts we have at this point in time who need help. Have you done any specific study to identify the people who need help at this point in time in the province?

Hon. J. Les: I think the member said in the lead-up to his question that we have become aware during the last year that crystal meth is a problem. I will point out that our government was very aware and working on crystal meth issues several years ago. This isn't something that we just started working on in the last year. We've certainly given it an enhanced, sharper focus with the location of the crystal meth secretariat within my ministry.

Previous ministers responsible for mental health and addictions issues.... I recall very clearly in the Legislature over the last two, three, four years raising this issue over and over and over again, so this isn't something that we're responding to just recently. It's been an ongoing focus of our government.

With respect to exactly how many people are out there who have become addicted to crystal meth, that is not a number we have developed. In terms of how many people are out there who need help, frankly, everyone who has become addicted to crystal meth needs help. I take that as a given.

What we have also learned is that particularly with crystal meth addicts, they need to come to a determination themselves that they need help, that they are going to accept help. There's been a very poor track record in terms of forcing crystal meth addicts into any kind of treatment. Recidivism is rampant in those kinds of circumstances. But there are points in the cycle that a meth addict goes through and some points along that cycle where they become very receptive to treatment options. It is at that point that options have to be available and are often successful.

J. Brar: So we, at this point in time, know that we don't know exactly the number of crystal meth addicts who actually need help. One of the things.... We can respond as a community to those people by providing treatment beds and rehab programs.

If we don't know the numbers at this point in time as to how many people are out there who need help, first of all, how can we identify the number of treatment beds that are required and then work on actually providing those beds? Can the minister tell me: how many beds are available at this point in time for crystal meth addicts in British Columbia? And according to the minister's estimates, what is the shortage of the treatment beds?

[1620]

Hon. J. Les: There are in the province of British Columbia today over a thousand beds available for mental health and addictions issues. That includes 102 beds for youth detox across the province.

What we need to be aware of when we are discussing crystal meth and treatment options is that it doesn't necessarily require an in-custody treatment bed to successfully deal with crystal meth addictions issues. In that way, crystal meth is actually a somewhat different drug than some of the other drugs where there are more violent withdrawal processes. Crystal meth doesn't necessarily cause that kind of violent withdrawal process, and there are many people who have been successfully treated on an out-patient basis and who have been successfully weaned off of a crystal meth addiction.

Clearly, though, when you have someone who is homeless, for example, an out-patient program is not going to be terribly successful. For people like that, you need a residential care option.

The 102 youth detox beds that I referred to, of course, are supplemented by quite a number of private treatment options that are available in various communities. The charitable sector is quite involved, as the member I'm sure is aware. There's quite a variety of approaches, but I guess my caution would be that the availability of treatment options around crystal meth is not necessarily fully described by the number of treatment beds available in public institutions.

J. Brar: Again, this very simple question: do we have enough beds in the province to treat the youth on crystal meth, for which the minister gave the numbers? How many do we need? Do we know that? That's a simple question.

Is there any need for more or not? If there's no need, the answer is simply no. Has the minister done any study, any review, to identify how many beds are needed — at this point in time, as of today — to provide effective, efficient, accessible treatment to the young crystal meth addicts?

Hon. J. Les: I hope it's obvious that it is pretty hard to count noses in this kind of business and say that we have exactly X number of addicts out there today who need treatment. It's impossible to do that. Tonight there will be a handful of people likely becoming addicted to crystal meth, unfortunate as that is. But what we do is attempt, as well as we possibly can, to respond to the needs as they present themselves.

[1625]

For example, as the member is aware, we recently reallocated within the various health authorities \$6 million worth of funding to make available more treatment beds for youth crystal meth addicts. That's clearly in response to a demonstrated need, and I would suggest that as long as we are addressing the needs that present themselves, let's not waste time and effort counting exactly the number of people who we think might be addicted to crystal meth. Let's deal with the issues. That's what we're trying to do.

J. Brar: There's one term used in government — in the private sector as well — that's called planning. We plan for things. We plan, after getting all the information, to make sure we have all the resources, staffing, training available to provide access, efficiency and all that kind of stuff. So this is not getting into the numbers. This is getting into the real action, the pragmatic approach to deal with this growing problem in the province. That's what I'm talking about. But I will take it as: at this point in time we don't know how many crystal meth addicts we have in the province exactly. We also don't know how many detox beds or rehab beds we need, exactly, at this point in time.

I would just share one story. Just last week I met with a mother who has a young daughter who has been sick since she was 18. She has some health problems and some mental challenges as well. About a month ago she was hooked onto crystal meth by somebody, and this mother feels helpless.

She has been told by a social worker, "If she comes back, close the door because you have two young kids," which is understandable. But at the same time she asked: "Where is she? Can I do anything?" They said: "You can't do anything. She will go out, and she will ultimately" — according to her mother — "go out on the street." According to them, she will hit the bottom, and then she'll come back for the treatment program. This is a story from a mother just last week.

If I send that mother to the minister's office, will the minister commit today to meet with this mother and provide her a rehab program, which is not available, which she can't afford — according to her, at this point in time — for the treatment of her daughter?

Hon. J. Les: First of all, let me comment on the member's call for more planning. I hesitate to do this, but I will. Five years ago when we became government in British Columbia, we reviewed the budget of the Ministry of Health, and we found absolutely zero dollars that were committed to planning within the Ministry of Health. We established at that time and for several years a Ministry of Health Planning to deal with that. So I'm somewhat taken aback by the member's call for planning, because his party, when it was government, in fact, did zero planning — absolutely zero.

With respect to the case that the member cites about the mother and her daughter, who was unfortunately recently addicted to crystal meth, as I've travelled around the province in the last several months conducting these community forums, I've had any number of heart-wrenching cases like that described to me, each of them very difficult.

I can remember a couple I spoke to in Prince George, for example, who had a 30-year-old son who had been addicted to crystal meth for 12 years — very badly damaged now. They're hoping they can get that son off crystal meth, but they know that he is never going to be well again.

There are numerous stories like that around the province, each of them very tragic. It has got to be one of the worst nightmares a parent could imagine to see

your child degenerate, almost, like that before your eyes. I'm well aware that those stories are out there. I've heard them personally numerous times.

With respect to treatment options, I say again.... Parents often express the frustration that it's not just about whether there is treatment available. To convince that addict that they should get into treatment or that they need treatment is very, very challenging.

[1630]

You can't imagine that somebody would willingly poison themselves the way these addicts do and live in the kind of conditions they do, but this drug, once it establishes a hold on a person, actually has the ability to degenerate someone in a way we would never have imagined. That's why the core message I have tried to disseminate at these forums is that the best policy when it comes to crystal meth is never to use this terrible poison.

J. Brar: I would like to make the comment that I do ask questions, but I would appreciate it if the minister could respond to the full question. My question was: will the minister meet with the mother or not? I didn't get the answer to that particular question or where the minister would refer the mother to at this point in time. I will give another opportunity to the minister, if the minister can respond to that.

Hon. J. Les: I am always happy to meet with British Columbians and discuss their particular problems and issues, and I would certainly be pleased to meet with the lady that the member cites, subject always, of course, to the availability of time. I'm sure the member appreciates that there are still only 24 hours in a day. I'd like to take at least half a dozen of those to sleep. With those parameters in mind, I'm happy to try to do the best I can to meet with the member's constituent.

J. Brar: Again, a simple mathematical number: what is the number of crystal meth labs that they have for the past 12 months — or maybe for more or less months? I just want to understand that, for small labs and superlabs.

Hon. J. Les: We have some statistics, as developed by the University College of the Fraser Valley. I'm sure the member opposite is quite aware of their research program, which I think is one of the best around.

What we know is that in the 24 months ending in March of '05, 33 labs were discovered in British Columbia. Virtually all of them were commercial in nature. In other words, the drugs that were being manufactured there were of a scale and clearly intended for trafficking in the drug. Since the end of that study another three labs have been discovered in the province — again, commercial-scale meth labs.

So unfortunately, we are discovering these labs in British Columbia. Some of them have, indeed, been of enormous scale. I have heard a couple of them referred to, in terms of their size, as having enough materials on site of the various precursors that go into manufactur-

ing crystal meth to manufacture several hundred million dollars' worth of crystal meth. We are clearly dealing with a problem that is driven by bulk precursors, the resulting labs being of commercial scale.

[1635]

R. Fleming: I just wanted to ask a couple of questions, just continuing along some of the questions that my colleague has been asking about crystal meth.

I just wonder if the Solicitor General could tell the committee about the link between crystal meth and violent crime and what studies his ministry may be doing about the costs that that is now having for society in British Columbia? I know there was a court monitoring program in the courthouse here in Victoria that looked at youth charged with offences. They noticed a dramatic increase of those who are committing various crimes, from property to theft to more serious charges, and the percentage of youth who use meth simultaneously — some even high when they're committing the crimes. That trend was noticed.

In light of information like that which, no doubt, comes from other communities in British Columbia, I wonder whether the Solicitor General has tried to get a handle on the cost to society of crimes that are accelerated by meth, and any other kind of cost to the health care system and to our communities that can be attributed directly to the spread of crystal meth.

Hon. J. Les: There has not been any specific long-term, ongoing research that definitely correlates criminal activity with crystal meth. I should point out as well — and I suspect the member knows this — that there are very few addicts who use crystal meth only. They are, in many cases, users of a number of illicit drugs. We have, of course, a lot of anecdotal evidence that drug users, and specifically crystal meth users, are very much involved in criminal activity.

Who could forget the Robert Osbourne video, for example, as he careened down the road in a stolen vehicle with a gun in his hand? He was high on crystal meth at the time. There are numerous other anecdotal cases like that, but we are not particularly aware of a specific correlation between crystal meth and criminal activity.

In terms of other costs that the member asked about, we know that sustained use of crystal meth, and perhaps even occasional use of crystal meth, is going to cause long-term and irreversible damage. These people are, in various ways, going to remain a cost to the health care and the mental health system in our province for many years to come.

R. Fleming: I appreciate part of that answer. I think one of the concerns is the degree and the rapidity with which crystal meth has displaced other street drugs and how often other drugs being purchased as something else are, in fact, being found with high degrees of crystal meth in them.

I think one of the concerns to police — it's certainly a concern to treatment facilities — is the element of

psychosis withdrawal that sometimes accompanies meth and that can make an ordinary property or theft crime often quite shockingly violent. I think it's something that the Solicitor General, the department — the crystal meth secretariat.... It might be well worth investigating, because there is some data that is getting at that now.

Related to this, I'm wondering if the crystal meth secretariat has looked at children and infants who are in care who are either exposed to or born with crystal meth in their bloodstreams, and what the crystal meth secretariat, specifically, is doing with the Ministry of Children and Family Development to coordinate and have a joint protocol to help those who are caring for children in this situation.

[1640]

Hon. J. Les: These are very complex issues, as I am sure the member understands. First of all, it's pretty clear that if a child were found in a location where there was a meth lab, it would be immediate grounds for apprehension. Happily, in the meth lab busts that I referred to earlier, in not one case were young children found on the premises. If there's any good news to be found in this, I guess that would be somewhat good news.

With respect to crystal meth addicts, the Ministry of Children and Families already has established guidelines as to how and when to intervene when people are addicted. There's some work being done to further refine that to more properly take into account people who are addicted to crystal meth.

There's a variety of opinions as to whether the use of crystal meth by a pregnant mother endangers the baby or not. I offer no opinion on that this afternoon. Even in terms of crack cocaine and other drugs like that, apparently, there's a divergence of opinions there as well. There's clearly a danger to children, whether from parents using meth or from being in the premises where meth is generated.

The Chair: Okay, members. We'll recess for ten minutes for a division in the House.

The committee recessed from 4:44 p.m. to 4:53 p.m.

[S. Hammell in the chair.]

On Vote 37 (*continued*).

J. Brar: I would like to ask the minister: what percentage of crystal meth labs, the super labs or small labs, get their supplies from outside the province, the bulk supply and/or the over-the-counter supply — if we have any information?

Hon. J. Les: The reality is that in British Columbia virtually all of the labs that have been discovered by the police use bulk precursors that are brought in from outside of the province. As recently as last week the RCMP had yet to discover a lab that used precursors developed from over-the-counter medications.

J. Brar: So the supply is coming from outside the province, and that is the jurisdiction of the federal government, in order to have any effective control of the situation. Of course, the province can do certain things. Can the minister update us as to what the minister has done in order to deal with that situation? Has any specific plan been put in place working with the federal government to deal with that situation?

[1655]

Hon. J. Les: The member opposite is correct that dealing with these kinds of issues is largely the purview and domain of the federal government. We know that until recently the penalties obtained with respect to the possession and trafficking of crystal meth were very light, even lighter than those that relate to possession and trafficking of marijuana, and we know how ridiculous those are. In response to pressure that was put on by the province of British Columbia and others, changes were made in the Criminal Code sentencing provisions so that the sentences now align with those that are available for the possession and trafficking of cocaine and other hard drugs of that nature.

With respect to the issue of precursors, there is more work that needs to be done by the federal government. At our last justice ministers' meeting, for example, we made certain that we made them aware of the deficiencies in current legislation.

There are some rather bizarre things that you find out. It is the federal Ministry of Health that is responsible for regulating substances such as amphetamine and methamphetamine, or ephedrine and pseudoephedrine. It was particularly frustrating for the police, and the RCMP in particular, that when they tried to make the Ministry of Health inspectors and officials aware of their knowledge with respect to the importation of ephedrine and pseudoephedrine, the Ministry of Health personnel, under then-current federal legislation, were not required to recognize the RCMP as a competent authority. That's just one small example of the kind of frustrating things that you run into.

We also know that a very large percentage of the ephedrine and pseudoephedrine that's imported into the country on an annual basis is diverted into illicit use, for the illicit manufacture of crystal meth. I made the point at the last justice ministers' meeting that the federal government needs to be much more restrictive in terms of how ephedrine and pseudoephedrine are allowed into the country. I think it should be, frankly, allowed in by exception only. We know fairly specifically what the legitimate uses of ephedrine and pseudoephedrine are.

Knowing that, I think it would be a rather simple task to restrict the importation of those substances — by holding a permit which makes those materials available only to those legitimate uses. That's one example of something that I think needs to be done.

Ephedrine and pseudoephedrine are flowing into our country much too easily at the moment. It is very profitable for organized crime. We have too many examples of where dealing in these kinds of substances,

whether it is the finished drugs or whether it's the precursors, is a great source of revenue for organized crime in our province.

We have more work to do with respect to federal legislation and changes in the Criminal Code. I think the effect of crystal meth on young people in particular is sufficiently horrible that the penalties for trafficking and manufacture of this drug ought to be more severe than they are. We have seen cases where people have been caught trafficking crystal meth even in school zones and have been released the next day and encounter only very light sentences. I think that is entirely inappropriate. These people need to be sentenced in a way that properly recognizes the horrible effect that the material they peddle on the streets has on our young people.

[1700]

R. Fleming: I appreciate the minister's sense of frustration about meth precursors and his statement about the diversion of them. I think it may have been somebody from his ministry who estimated that up to 70 percent of ephedrine and pseudoephedrine coming into Canada is diverted to the production of crystal meth. Clearly, it is pouring over the border and finding its way into the wrong hands.

I understand from law enforcement officials who have been working to coordinate federal and provincial measures to deal with this that Health Canada sentencing is one thing. Those have been increased, and whether that's a deterrent, time will tell. There's so much money in this business and so much demand for this drug now that it's going to take more than that, clearly.

I guess my question for the minister will be: given the urgency here, given that this agenda is shared by many provinces and given that six provinces anyway have taken steps on precursors at the retail level — which, understandably, are not the major source or problem that we're dealing with here — is there any indication when the federal government will act so that the situation today, where all you need is a licence to import and there's no tracking of who you then sell the bulk products to, will be much, much more restrictive and there will actually be resources on the ground to inspect those who import those ingredients and determine and randomly audit those who are then selling it to others?

[H. Bloy in the chair.]

Hon. J. Les: As the member will recognize, I'm sure, we have recently undergone a change of government at the federal level, and unfortunately, that always has the impact of, it seems, in transition putting certain things, one would say, almost on hold for a few months. I will be meeting with my federal counterpart in the next several weeks, actually — I believe it's at the end of next week — and this is certainly one of the things I will be raising with him. I will be pressing the federal government and my counterpart Stockwell Day

to ensure that we get the appropriate action that we need.

I know that when I do that, I am not alone. I know that other counterparts of ours across the country are equally insistent that the federal government undertake legislative change and regulatory change quickly. I know Manitoba has been one of those places that has been proactive as well. So I remain optimistic that we can get those kinds of changes made at the federal level, and, hopefully, when I meet with Mr. Day in the next few weeks, we can get some kind of commitment that this will happen sooner rather than later.

R. Fleming: Just another question for the Solicitor General on crystal meth, and then the critic may have additional.

On the issue of treatment, I know that the Solicitor General has spoken on previous occasions about the continuum of services that we need. He mentioned in these estimates, to the member for Surrey-Panorama Ridge, that there are approximately a thousand drug and alcohol treatment beds in the province for all drugs and all persons suffering from alcoholism and that something like 102 of those beds are youth-oriented detox beds.

In my visit to the Phoenix Centre, which is a very cutting-edge facility for treating young meth addicts, a detox facility in Kamloops, I heard from staff who work there that one of the saddest things they did was that they took youth addicted to meth, cleaned them out for seven days, got them back to some state of nutrition, got them out of the most devastating part of those first 72 hours, in particular, of getting the drugs out of their system and, in some cases, dealing with very severe symptoms, and then they put them out on the streets again.

They don't have the ability to actually give drug treatment services in the IHA, and in many parts of the province I know the story is the same, where a young addict will actually get a life plan together and have a fighting chance of getting over that recidivism that the minister was talking about.

[1705]

I wonder if the minister can say, in the service plan, when and where we can expect some reasonable addition of that kind of treatment. He mentioned there are many private options in British Columbia, but in some cases those run up to \$6,000 a month, so those are really not an option for people who could not afford.... Though it is good treatment. When will there be some sort of public facilities of the kind I've just described available more broadly?

Hon. J. Les: First of all, as I've already outlined earlier this afternoon, the role of the secretariat in my ministry is to advocate, and to work in a cross-ministry way, to ensure that the resources of government are used in the most effective and efficient way.

It was partly as a result of that work that money was reallocated within the Ministry of Health — \$6 million — to provide more treatment options. In terms

of the longer term and where the Ministry of Health is going for that, I'm not going to purport this afternoon to speak for the Minister of Health. The member may want to engage with the minister in those estimates, if indeed.... I guess those estimates have already been completed, but it is that ministry that will be able to provide more specifics.

In terms of private treatment options, I wouldn't dismiss those out of hand, because I have encountered examples across the province where various charitable groups are very much involved in providing the kind of support that's required to ensure that an addict can successfully withdraw on a long-term basis from using crystal meth, and in some cases that kind of help is provided for as little as \$700 a month.

While I am sure that there are very expensive treatment programs out there, I just want to note that that isn't necessarily always necessary and that very adequate support regimes can be put in place for considerably less than that. Some of them have been very successful indeed. I am also aware of other cases where young people have been able to go back to the parental home and have very successfully maintained a lifestyle off of crystal meth.

I think what's important to recognize here, as well, is that we're not looking at cookie-cutter scenarios. What works for one addict doesn't work for another, and vice versa. I think we have to be flexible. We have to be resourceful. Fortunately, many people in communities are, in fact, flexible and resourceful. There are a lot of people out there who, working with government and in a variety of ways, are very effectively making services and programs available to addicts, so I obviously encourage that.

As more government resources are required — or, more usually, a reallocation of resources — my ministry helps ensure that that happens, particularly in the Ministry of Health and the Ministry of Education, where I think we find the two key ministries that can help us to attack this issue.

J. Brar: The Meth Watch program is also part of this crystal meth fight. Does the minister have any action plan to implement the Meth Watch program in the whole province, and can we know some time lines, if that's the case?

[1710]

Hon. J. Les: The Meth Watch program, I think, is one that we should celebrate, because it is in fact a response to the crystal meth issue by retailers and professionals like pharmacists, for example. They understand that they need to pay particular attention to the retailing of over-the-counter cold remedies or various precursors to crystal meth production. They've taken it upon themselves to institute the Meth Watch program, and it has been implemented in quite a number of communities across the province. Its implementation is voluntary, but what we have seen to date is that numerous communities are in fact part of the Meth Watch program. That program is enthusiastically supported

by the pharmaceutical industry in the province — the pharmacists — as well as by other retailers.

The community grants that we have made available through the Union of B.C. Municipalities are also being used to foster the establishment of the Meth Watch program in communities. I think it's a very proactive way where retailers themselves are very engaged and involved in ensuring that there's an extra set of eyes in the community, an extra focus on the inappropriate acquisition of those items that will tend to tell us whether or not somebody is involved in the manufacture of crystal meth.

J. Brar: I would like to move on to the policing. In the service plan under objective 1.3 there is one very ambitious objective set, which is achieving a level of police called "adequate levels of police services." I want to know how to define the adequate levels of police services. Is there any definition to find that out?

Hon. J. Les: First of all, for the benefit of members opposite, we are now joined by the ADM for police services, Mr. Kevin Begg.

With respect to how we would define adequate police services, there is a tool that the RCMP uses called PARR — which is personnel and resources review — and there's a formula that is utilized to determine the level of policing that is required in various communities. I'm somewhat familiar with that process, having previously been a mayor and over a number of years having had discussions with detachment commanders.

It was in fact that tool that was used to determine whether the police resources being made available in the community were adequate or not. I think, for better or worse, it is a pretty decent tool to make that determination. It's still being used today, and I know of no better way to determine what would be adequate police presence in a community.

[1715]

J. Brar: I understand the response, but I'm not clear about what the tool is. Let me put it this way. Will that tool include the population versus numbers, the cultural diversity of the community, the training level of the police and any other factors?

Hon. J. Les: With respect to how the PARR indicators are put together, the most significant indicator that's used is caseload per member. I'm sure the member opposite is aware that there is some variation in that across the province, but the most significant method that's used to determine an adequate level of policing is caseload per member and that kind of thing. There are some other factors, as well, but that would be the most significant one.

In terms of diversity and those types of issues, I think we need to be careful to not immediately make the assumption that increased diversity means more police resources required. I don't think that is the case at all. It will often be, I think, appropriately reflected in the diversity of the makeup of a detachment to reflect

the diversity of the community. I think that is appropriate. But more diversity does not necessarily equal more resources required.

J. Brar: I never suggested that more diversity means more police. That's exactly what I meant: when you talk about the adequate level of policing, will that be reflective of the cultural diversity of the community? Will that be kept as a factor? My understanding is that that will be a factor.

One study released earlier this year by the University College of the Fraser Valley found that the number of procedural steps required to execute a simple drug-trafficking investigation has risen sevenfold since 1970. Will that be a factor to define the level of policing under this service plan?

Hon. J. Les: The member is correct. Many of the processes that attend a court procedure are increasingly complex, and while we all appreciate the need for a fair process for everyone who might be involved in criminal proceedings, I'm sure that many of us wonder from time to time whether perhaps the pendulum hasn't swung a little far.

[1720]

However, be that as it may, we have to work with the situation that we find, and it is in response to that and other issues that we have funded a very significant increase in police presence in British Columbia over the last four years. In fact, what we have put in place is the largest increase in policing strength in over a generation in British Columbia. In addition, we have also made increased funding available to municipalities. Some \$50 million worth of annual fine revenue is now flowing to municipalities where there was none of that funding provided to the municipalities before.

With respect to how complicated some of those judicial proceedings have become and the impact that is having on the policing resources of the province, the member may want to be in this room later this evening when the Attorney General is going to be going through his estimates process. The member may well want to engage the Attorney General in terms of why it is and how it is that some of those court processes are taking so long and making the administration of justice one of the factors that's causing great increases in terms of pressures on the policing resources of the province.

J. Brar: How many additional positions for full-time provincial police officers have been created since 2001?

Hon. J. Les: We have approximately 400 new, additional members on the ground in British Columbia today, as I believe I indicated in my earlier remarks, and three major areas where those members have been deployed. There are 215 that I would categorize as general duty, although they have also been seconded to such things as cybercrime, for example. I'm sure the member is aware of the RCMP establishment in Surrey where these members are located.

We have an additional 100 or so members that are dedicated to increased traffic enforcement across the province, and then we have the Integrated Gang Task Force. Again, I'm sure the member is quite familiar with the significance of that initiative.

All told, there are approximately 400 new members — increased numbers of police personnel — that have been made available. As I said before, it's the largest single increase of police resources in the province in over a generation.

J. Brar: Just to be very clear on this one, the ministry has created over 400 new positions since 2001. Is that what the answer is?

Hon. J. Les: Yes, we have provided funding for those additional 400 positions.

J. Brar: How many additional full-time officers have actually been hired? Are they all in place?

[1725]

Hon. J. Les: The member's question was, I believe: how many of the 400 positions are actually filled today on the ground? There are still some that need to be staffed, and that is mostly in the area of the 215 that were announced most recently. But even there, almost 180 are actually filled positions today.

The RCMP in particular is challenged to provide the increase in members — certainly the increase in members that has been requested in British Columbia. We know that their training depot in Regina is running flat out to provide the additional members that are being requested. At the same time, they are also going through the same demographic experience that many other agencies are, in that people who have got their 25 and 35 years of service.... Many of them are now coming closer to their retirement eligibility.

Certainly, the police are challenged to provide the replacements as quickly as we request them. It would seem, from the statistics we have here, that although we haven't quite been able to fill all 400 positions, we are getting very close and should be able to have them all filled very soon.

J. Brar: My understanding, from that number, is that we are about 35 short. Is that the accurate number? I just want confirmation on that — 35, more or less.

Hon. J. Les: That would be a reasonable guesstimate as to the status quo at the moment.

J. Brar: The province has an agreement with the federal government to provide policing to the province. I would like to know: what is the actual number of FTE police officers the province would get under the agreement?

[1730]

Hon. J. Les: We don't have the exact figure here this afternoon, but I can certainly undertake to get that for

the member. What I can say is this: the number of provincial RCMP resources — in other words, provincially funded RCMP members in the province — is somewhere in the area of 1,700. That's as close as I can advise the member this afternoon. If he requires a more accurate number than that, I will undertake to get that for him.

J. Brar: I certainly would like to have the accurate number on this one. I would appreciate that.

As for the service plan, the year '05-06, the number established is 1,665. My guess is that that should reflect from the agreement. What is the actual number of full-time RCMP provincial police officers working as of today?

Hon. J. Les: I'm not trying to be glib here or anything, but that is a figure that changes daily, if not hourly. There's a whole variety of reasons why people — in this case, police officers — come and go. They go on leave; they retire; they come in as new recruits. They're involved in any number of things that can take them out of service — maternity leave, for example — so I'm not sure that on any given day I can give the member a number that'll be valid the next day, because that is a constantly changing number. As I've said, we have approximately 1,700 provincial RCMP positions in the province, but there's going to be variation from day to day, always.

J. Brar: I'm a bit surprised by the response of the minister on this. There's a payroll; members receive their pay. I'm not talking about exactly today. Tell me an average for the last year of what number of police officers we actually have in the province — full-time police officers under the act.

I think that shouldn't be a difficult thing, so I would like to ask for the answer. The minister can provide to me an average of the year, if that's the case, or any other number for this year so that we can actually see where we are in that contract this year. If that's not available at all, then I will get the information saying: "We don't know at this point in time" or "We will never know what the actual number of police officers is."

Hon. J. Les: The number that the member is looking for, which I think can be rephrased as the "average actual...." We don't actually have that here, but I can certainly undertake to get that information to the member.

J. Brar: I would certainly like to have the actual number of the agreement which we have with the federal government and the actual number of police officers working in the province. If you can give me it for today, I will work with that. If you want to provide to me the whole list for the whole year, as to how many there were each month, I will work with that too. It is your choice, whatever number you want to give, but I will certainly need that number. I would appreciate it if you can.

[1735]

My next question will be.... After 9/11 there were, of course, a number of issues. When it came to national security as well as provincial security, there was a bit of a different alert at that time. My question is: has any number of RCMP officers from this province been deployed for any national security purpose?

Hon. J. Les: What the member refers to is clearly federal responsibility. It is for that reason that we have federally funded RCMP who work in the province on an ongoing basis, and they would take the lead on those national security issues.

J. Brar: I would actually move on to the next file, because we don't have the information on this, so we'll come back probably next time to some of the questions I have on policing. If you don't mind, can I move on to the integrated task force, which is a different file? It's a police file, still, but it's a different thing.

As we know, in the last 20 years over 100 young Indo-Canadian men have been murdered in B.C. It is estimated at this point in time that there are between 30 to 40 Indo-Canadian gangs in the lower mainland. A regional task force was formed and was in operation in late 2002. It was disbanded suddenly in 2004.

I would like to ask the minister why it was suddenly disbanded when the number of gangs was actually exploding in B.C.

Hon. J. Les: I don't want to get too far into estimates that might have been more appropriately discussed in 2003 or 2004, but I can say this. The task force that was put in place at that particular time was very deliberately focused on certain issues and on certain individuals. Upon the apprehension of those certain individuals, it was actually the RCMP that wound down the task force at that time.

However, since that time we have certainly been made aware of an ongoing desire by the larger community for this kind of gang task force. We have responded to that in making \$10 million of ongoing funding available annually. I expect that over the next several years we're going to see significant results flow from that significant commitment by the province.

J. Brar: How many people were actually apprehended by the task force?

Hon. J. Les: Again, the member refers to things that have occurred somewhat in the past. Our best recollection this afternoon is that the activities then resulted in the arrest of seven people.

[1740]

I don't want the member to hold me precisely to that figure, because we would have to do some research in order to determine exactly whether it was indeed seven or whether there were perhaps more that resulted, directly or indirectly, from that investigative activity.

J. Brar: What was the clearance rate on those seven apprehensions?

Hon. J. Les: I don't have a specific answer to that. It may well be that some of those cases are still wending their way through the courts. Clearly, then, it's too early to come to a determination as to the success of that particular operation.

J. Brar: I would appreciate it if I could be supplied with the information about the clearance rate of those seven cases.

Here is where I have a concern. The *Vancouver Sun* on October 15, 2004, quoted the former Solicitor General as saying, "The task force was disbanded after investigative leads dried up," rather than what I heard from the other side.

Can the minister tell me whether the former Solicitor General was saying the right thing or what I heard today is the right thing? These statements are totally contradictory.

Hon. J. Les: I don't think there's any conflict here in what I've said. I said just a few minutes ago that the operation in 2003 and 2004 was very specifically targeted at certain individuals and certain events. When that was dealt with, by definition almost, there was no further requirement for that particular operation. The then Solicitor General was in fact correct. It was subsequent to that that it was felt an ongoing gang task force would be in order and would be desirable. We have funded that, and today it is in place.

J. Brar: Can the minister tell how many people were working in the task force and was there any head office or space for them?

Hon. J. Les: I'm not going to give a particularly fulsome answer to that question because it starts to tread on information that is relevant to the operational methods the police used in terms of a headquarters and where it was and that kind of thing. I'm simply not going to get into that.

All I have said is that there was a specific task force dedicated to a specific assignment at that time. The assignment was accomplished, and based on the parameters that were established going in, the operation was then wound down. It was subsequent to that that the determination was made that an ongoing gang task force would be desirable. That's what we have in place, and that's what we have funded now.

J. Brar: If you'll allow me, with your permission, to just wrap up this question, I would appreciate that.

I, as a member of this House, cannot even know the number of police officials working in that task force and cannot even know whether the task force had an office? I'm not asking where the office was. I'm not asking who the officials were. We have been talking about numbers throughout. The number has been mentioned right in the service plan.

Where is the number of police officers? How many are there, and is the ministry going to hire new ones?

[1745]

I think the question is very legitimate as to how many police officers were working. I want to know the number in that task force and whether the task force had a stand-alone office or not? I don't think there's any confidential information going out with that information. I will ask the minister to respond to that.

Hon. J. Les: We will attempt to get back to the member with the number that he's looking for, although I would point out, at this point, that the task force that was in place then was much more ad hoc in nature than the gang task force that we have in place today. It involved a number of members who were seconded, depending on need, for their various areas of expertise. It was a bit of a moving target on a day-to-day basis as to exactly how many people were involved in those activities.

In terms of: did they have office space? I take as given that they met from time to time, again, as needed and where they needed to meet. I'm not troubled at all by the fact that, you know, I can't today exactly put my finger on the precise location they considered to be their head office or their main operations centre. They may not even have had one. It is today more possible than it's ever been possible in the past to have almost a virtual existence in terms of operationalizing an effort such as a task force.

We will attempt to get a number that can give the member some comfort that, indeed, that task force was there, and it was there to a certain level of operating strength. Again, I undertake to get that as soon as I can.

The Chair: I will call Vote 37.

J. Brar: Mr. Chair, it's my understanding that we are going to adjourn the House and come back to discuss the remainder of the estimates. We have a number of questions, and there was one more day established for that particular vote.

Hon. J. Les: That was Thursday?

J. Brar: Yeah. So I move the House recess.

The Chair: Thank you, member.

Committee A will now stand recessed until 6:45 p.m.

The committee recessed from 5:49 p.m. to 7:01 p.m.

[S. Hammell in the chair.]

ESTIMATES: MINISTRY OF
ATTORNEY GENERAL AND MINISTER
RESPONSIBLE FOR MULTICULTURALISM

On Vote 15: ministry operations, \$377,024,000.

Hon. W. Oppal: It is my honour as Attorney General and Minister Responsible for Multiculturalism to

begin the debate on the budget for this ministry for the fiscal year 2006-2007. With me today are Deputy Attorney General Allan Seckel and assistant deputy minister of management services, Jim Crone. The overall budget for this ministry for the fiscal year 2006-2007 is \$475.7 million.

I also have the honour to support the government's work around the Electoral Boundaries Commission. The overall budget for the commission for 2006-2007 is \$3.264 million.

The justice system is the foundation of democracy, the shield that protects the rights and freedoms of every British Columbian, our families, our businesses and our communities. The prosperity of our province in the 21st century depends upon the public confidence in the rule of law.

My ministry is responsible for delivering an effective justice system for the administration of justice; for making reforms, where necessary, to keep the law responsive to our ever-changing society and to ensure that our public affairs are administered in accordance with the law.

Our system of justice works, and it works well. Its many successes are thanks to the people across this province that make the system function on a day-to-day basis. The ministry has over 3,800 employees working as lawyers, clerks, sheriffs, paralegals. They are a committed, hard-working group of individuals dedicated to the justice system and the rule of law.

I am passionate about the law and equally passionate about the other half of my role as Minister Responsible for Multiculturalism. I'm honoured to have the multiculturalism mandate, as well, since we live in a province where almost 25 percent of us are members of visible minorities.

To a large extent, I am proud of the fact that British Columbians are able to live to a very high standard; raise their children; and age in safe, healthy communities. Most British Columbians are confident that their rights and opportunities exist regardless of our social, economic, racial or cultural backgrounds. That in itself is a supreme achievement when we look at the number of nations, cultural groups, languages and ethnicities that make up British Columbia today.

I spoke to a number of French journalists last November who were here from Paris to create a documentary on British Columbia's relative harmony among our diverse groups. It's fair to say that they found our communities and society surprising. The reason for their appearance here was, as you may recall, that in the fall of last year France was having a number of difficulties involving young people who were of different ethnic backgrounds.

[1905]

The overwhelming number of questions asked by the French journalists were about the multiculturalism concept and the multicultural society in this province and in this country. What they learned was that we as a province have made multiculturalism work. When they learned of our social cohesion and many of our cultures, they were extremely impressed and, I must

say, somewhat surprised, because many countries in Europe are wrestling with the issues regarding different cultures living in their societies. That is not the case in Europe, where even birth in that country does not guarantee that you'd be welcomed under a common banner of citizenship.

The social cohesion among our diverse cultures is something we too often take for granted. But it does not happen easily. Government recognizes that immigrants face significant challenges, especially if their first language is not English or they are unfamiliar with Canadian customs, systems and institutions.

A key objective of the ministry is to accelerate the settlement of immigrants to allow them to realize their full potential socially and economically. We offer a range of services to help immigrants settle and adapt to Canadian society as quickly as possible. They are in partnership with community-based non-profit organizations, public colleges, school districts and private institutions. ESL classes play a crucial early role, together with other settlement services, to get them off to a good start as full, participating citizens in British Columbia.

The ministry also provides public legal education. It provides public legal education opportunities to newcomers through a range of programs; through government, professional and community partnerships with the Law Courts Education Society, the People's Law School, the Canadian Bar Association, the Legal Services Society, the B.C. Human Rights Coalition. Through these programs, newcomers learn quickly about our justice system and the protection it affords them. Access to public education is essential, including information about the law, including our human rights.

British Columbia has a vibrant and diverse society which enriches us culturally, stimulates economic growth and provides economic outreach to the global community. Often when people think about the justice system, their thoughts go first to major media issues. Often those issues are tragic. That's natural. Megatrials like the Pickton case and the Air India case continue to require large staff and financial resources. More than 400 Crown counsel and roughly equal that number of dedicated support staff are tasked with effectively and fairly prosecuting and processing more than 76,000 police reports to Crown counsel each year.

In the last fiscal year the criminal justice branch worked with the police to improve and streamline processes that provide materials to Crown counsel to support criminal prosecutions and to create an organized crime prosecution team to specialize in prosecuting alleged criminal organizations. Already the unit is taking on much more serious cases in cooperation with the police.

Our criminal justice branch continues to play a leadership role, nationally in their work with the heads of prosecution teams across Canada and internationally with their assistance in both China and Guatemala. In addition, our present and former British Columbia Crown counsels have built a proud tradition of significant contributions in various international criminal tribunals.

[1910]

Often when people think about our system, their thoughts go first to the major media issues such as megatrials and criminal sentencing, but the justice system is more than that. The Ministry of Attorney General is responsible for keeping our entire justice system accessible, effective and fair. That means civil, family and criminal justice procedures must meet those goals.

Rigorous, ongoing law reform and innovations are essential. Our system must remain current and responsive to social and technological changes. My ministry has introduced significant reforms, both in the law and in the processes regarding the law. Government saw that people needed faster, more convenient access to the courts to resolve their various claims. For many people, the cost of pursuing those claims was complex and time-consuming, not cost-effective.

In that vein and in a response to that, we raised the jurisdiction of the Small Claims Court from \$10,000 to \$25,000, giving more people access to the cheaper and faster processes of that court. We also introduced a pilot program for Supreme Court claims under \$100,000. The pilot involves streamlining procedures to reduce costs and delay.

Other changes over the past year increase public access to justice by making electronic court documents available over the Internet through our *Court Services Online* program.

Access to justice is not merely access to courts. It is a little known fact that the majority of our civil cases in the civil courts, as high as 97 percent, are settled outside a courtroom. It is with those figures in mind that we have concentrated on and placed considerable emphasis on assisting people in resolving their disputes outside the court process.

Working with community partners, we have established the Supreme Court Self-Help Centre, where people with legal problems can come for information on support and filling out legal forms and finding referrals. The pilot project increases access to justice for unrepresented litigants in British Columbia in Supreme Court civil and family matters by using a self-help model for legal information and referrals.

The centre helps clients manage their own cases. It informs them of other options and makes referrals to services outside court that can help resolve their disputes in a less acrimonious and less adversarial manner. The centre has helped over 3,000 clients since it opened in June of 2005, and 500 people have received full services — for example, help with court forms — while 2,600 people received information about Supreme Court procedures and related referral services. Established through partnerships with the justice services branch, court services branch and a large group of non-government agencies, it is an excellent example of how collaboration helps provide a service for members of the public.

We are working to ensure access to justice in a world where the competition for allocation of scarce resources between ministries is fierce. Supreme Court trials are becoming so expensive, so time-consuming and complex, that it appears that only large corpora-

tions, insurance companies, governments, litigants with deep pockets can afford to have their disputes settled in the Supreme Court. In fact, it has been found that over the last ten years, these trials in the Supreme Court have significantly decreased because members of the public are finding other ways in which to resolve their disputes.

The Civil Justice Reform Working Group, part of the B.C. Justice Review Task Force, focuses on the interests of B.C. Supreme Court users. The working group includes representatives from the judiciary, the legal profession and the Ministry of Attorney General, including representatives of the Law Society of B.C., the B.C. branch of the Canadian Bar Association and the Provincial Court of B.C.

[1915]

The working group is examining a number of aspects of civil law reform, including accessibility, proportionality, fairness, public confidence, efficiency, justice. Those are all issues the group and the committees have been examining.

This reality challenges us to think about the assumption that access to justice means full legal representation in every case. In a world where health and education will consume 100 percent of the budget by 2017, if current spending priorities and patterns continue, that is not an achievable goal.

Legal aid for low-income British Columbians is an essential part of an effective, accessible system of justice. To be effective, a legal aid program must offer the use of a full range or continuum of legal and non-legal strategies and services to address the needs of people who bring their disputes to the justice system.

The people who are coming to the system looking for solutions can be offered a number of alternative services. These can include a provision for public legal information; the use of mediation or counselling; the use of unbundled legal information advice; assisted services where lawyers provide limited advice and representation; and, in some cases, full legal representation.

Our new vision of legal aid strives toward innovation. The Legal Services Society has worked hard over the past few years developing new services and programs. We are looking hard at the family law system. During family breakdown, the adversarial system of a courtroom is not often the best place in which to resolve disputes.

We continue to focus on helping families of modest means involved in divorce and separation. The family justice services division assists 50,000 people in B.C. annually by providing information on family law issues, opportunities for dispute resolution without court involvement, and custody and access reports where children are involved.

In 20 locations across the province, we offer sessions about parenting after separation. The evaluations and satisfaction ratings among parents and other family members are very high and result in fewer cases being contested in the courts.

We have now placed 46 duty counsel in the provincial courts and 13 more duty counsel in the Supreme

Court. These people assist people who come there and are unrepresented to resolve their disputes in a non-adversarial way, if possible.

British Columbia maintains one of the best family maintenance enforcement programs. Each year it involves payments of over \$150 million. The majority of that money is being recovered for children. Assistance provided to families through this program helps them to resolve disputes about custody, access and child support. In so doing, it reduces stress on children at this very difficult time in their lives.

The working group on family justice has issued their report entitled *A New Justice System for Families and Children*, which envisions significant changes to the administration of family law. The report points out that people don't come to the justice system with "a case to try" — rather, they come looking for solutions and looking for answers.

People come to the justice system with problems to be solved. Often the best way of resolving those problems and solving the difficult issues they face is to get the parties involved in the same room to work it out by themselves. Options like mediation, alternative dispute resolution or recourse to the extensive tribunal system often provide faster and more cost-effective solutions.

[1920]

There are many cases where the answers are relatively simple. A sincere apology can go a long way in resolving disputes and righting a wrong. Until we introduced the Apology Act, corporations, governments and individuals were discouraged from offering a sincere apology as a part of their dispute resolution process for fear that, if they did that, they would be admitting legal liability.

The Apology Act will promote early and mutually beneficial resolution of disputes by allowing parties to express honest regret or remorse without admitting liability or voiding provisions of an insurance policy.

The investment community asked for government changes to improve investor protection. Passages to the Security Amendment Act will enhance investor protection. The act increases penalties for wrongdoing. As well, this is progressive legislation, in that it brings forward some of the innovative investor protection remedies contained in the unproclaimed 2004 Securities Act, such as expanded liability for insider trading and enhanced disgorgement provisions.

The disgorgement provisions are particularly significant and particularly helpful because the moneys that are achieved and received will assist the victims, those people from whom money was wrongfully taken.

The bill as proposed will reduce the regulatory burden on industry by harmonizing security laws amongst the provinces and territories. It will enable further development of the passport system with other provinces. Detailed requirements by each province are to be replaced by general platform provisions setting out the basic requirements in core areas, while allowing securities regulators to harmonize detailed requirements in national rules.

In British Columbia public consultations and ministerial approval are mandatory before new securities rules can be brought into effect. These national rules are helpful to market participants and investors, because they can look to one source to find the regulatory requirements that apply right across the country.

One of our initiatives that sparked the most interest and attention was the regulation under the Interpretation Act that set out daylight saving time in British Columbia. Over 92 percent of the responses to the public consultations process that we put in place were in favour of extending daylight saving time in order to harmonize our time structure and process with the United States, Alberta and other Canadian jurisdictions. Beginning in the spring of 2007, daylight saving time will start three weeks earlier and end one week later.

We are assisting in forging a new relationship with the first nations by reviewing carefully the positions we take in litigation with first nations, and we are taking an innovative and a creative approach in all litigation involving aboriginal people. Any litigation about essential issues must not involve extraneous considerations or unnecessary denials. That's sort of the basic philosophy of the approach we're taking involving litigation with first nations people.

The Street Crime Working Group subcommittee has studied the issues of street crime in downtown Vancouver and has recommended a community-court pilot project. Safety on the city streets in our communities is a top priority for this government. We have generally managed to control the rate of violent crime. However, our real issues and our real difficulties arise and involve property crime.

The proliferation of property crime, particularly in the lower mainland of British Columbia — car thefts and break-ins, wilful damages and all those issues that take place — causes an immense amount of harm to public confidence in the criminal justice system.

[1925]

We are devoting \$1.293 million to build an innovative community court to address proactively the underlying causes of criminality of repeat street-crime offenders. Property crime is the most common type of crime in Vancouver. Over half of all cases coming to court at 222 Main Street, which is a provincial courthouse in Vancouver, involve street crime offences.

They are not particularly serious in and of themselves but are a serious problem to our standard of life, our calibre of life. They leave people, our citizens, tainted by uneasiness and a lack of security as they come into the downtown core.

The data further tells us that most of those crimes are committed by repeat offenders, by people who are going back to court again and again, often for several appearances for each offence for which they are charged. The numbers show that 40 percent of those people who commit property crime are.... It's committed by 7 percent of the offenders. What we have, therefore, is a small number of offenders committing a large amount of the crime.

The model we are proposing is designed to have the offenders take direct responsibility for their actions by making amends in the community. The model is being developed with partners in the Ministries of Health and Public Safety and Solicitor General to address root causes of crime such as addiction, housing and mental health issues. It is a proactive as opposed to a reactive way of addressing our issues regarding property crime.

I know that longer jail terms, a solution people often turn to, in and of themselves do not help. Too often we think we can solve the problem by locking people up and throwing away the key. In some circumstances, longer jail terms may be the answer. Longer jail terms are the answer where a person poses a particular threat to society, so where a particular person is a danger to society, a long jail term may well be the solution.

Most of the people who are committing property crimes are addicted to some form of abuse. The public is protected while the accused is incarcerated in the more serious offences. However, if we're jailing people who are committing property crimes without addressing the root causes as to why they're committing the crimes, then we're not really solving the issues. We're not addressing long-term issues.

The reality is that jail terms don't effectively address what is really driving street crime offenders, because it's the usual types of abuse — substance abuse, alcoholism, homelessness and all those issues — driving that particular area of criminal activity.

I think the real solution lies in a more integrated, early intervention approach, where the justice system works with our social agencies and our social service and health partners to get at the underlying factors that cause the criminal behaviour: mental illness and addictions. Everybody — the police, the courts, health authorities, social service providers, probation officers — needs to get involved and work in a collaborative system and an integrated approach to this problem that appears to be plaguing us.

I'm now going to direct my mind to multiculturalism. Each year over 40,000 immigrants come to British Columbia to make new lives for themselves. Of those, 88 percent settle in the Greater Vancouver regional district, and 22 percent of British Columbians are members of visible minorities.

By 2017 nearly one of every three people living in B.C. will belong to a visible minority group. This means that by 2017, the majority of people in the Vancouver metropolitan area will be what we now term "visible minority," and 47 percent will be of Chinese heritage.

[1930]

In recognition of the high rate of immigration and British Columbia's success in settling immigrants, the United Nations has selected Vancouver to host the World Urban Forum this year, from June 19-23.

As English language ability is the most important predictor of success for new immigrants, we are devoting an additional \$1 million to our immigrant settlement program to improve access to ESL classes. Funding will also be provided for child care while people

attend ESL classes. This will ensure that immigrants with small children, primarily women, will be able to participate in classes and in society.

We'll also continue to support other key settlement services such as youth buddy mentoring for young people new to Canada. I believe this is integral to eliminating racism and breaking down walls between people of different cultures. Of course, we will continue to promote multiculturalism across the province so that all British Columbians can continue to participate and share their cultural traditions. That is part of enriching the social fabric of this province.

I am proud of the work being done on behalf of British Columbians in the Ministry of the Attorney General. Thanks to the committed staff....

The Chair: Excuse me, minister.

Hon. W. Oppal: Yes.

The Chair: Under Standing Order 30, your time is up.

Hon. W. Oppal: My time is up. All right.

The Chair: Under the standing orders.

Hon. W. Oppal: All right.

L. Krog: I was sort of hopeful there, during the wonderful opening remarks of the hon. Attorney General, that when he got to daylight saving time, he might want to save some of the evening for me.

Hon. W. Oppal: I could do that very easily by you shortening your questions.

L. Krog: I thought that might be the tactic at work here. It was suggested to me by many of my colleagues. However, delighted as I am to hear the Attorney General's opening remarks, I have a couple of questions around the service plan.

The service plan talks about a strong focus on law reform in the justice system, integration of the criminal justice system, accessibility of civil justice, public confidence in the justice system. I wonder if, in a brief response, the Attorney General could indicate what specific items he intends to focus on in the coming year with respect to law reform in the justice system.

Hon. W. Oppal: Perhaps the most significant area of reform would be the re-examining of some our concepts regarding how we fight property crime. I alluded to the concept of the community court, which is a major reform. That would, for the first time in this province, involve a more proactive approach to addressing the issue of property crime.

Another area of reform is the area of family law, where we want to work toward a more collaborative approach, a less acrimonious approach, which would be in the best interests of all litigants, particularly those with small children, who come before the courts.

L. Krog: I note that the Attorney General's budget this year appears to be approximately \$460 million or \$470 million, yet \$1.29 million, I believe, is being allocated to the courts the Attorney General is talking about. It's fairly well-known, I think, that a number of jurisdictions have attempted similar courts, and that they have met with some success and appear to be working there. I'm wondering why British Columbia is being so timid in not pursuing this more vigorously.

An allocation of \$1.29 million — and I hesitate to sound like C.D. Howe tonight, although he supposedly never said it — doesn't seem like very much money when, indeed, as the Attorney General himself pointed out in his remarks, the issue of property crime is probably what weighs most heavily on the average British Columbian. If they're going to be a victim of crime, they're likely to be a victim of property crime. I'm wondering why we aren't pursuing this more vigorously.

[1935]

Hon. W. Oppal: While the figure of \$1.29 million may appear to be modest, I can assure the hon. member that this is for a pilot project. We're in the process of costing this out now with other ministries, and we expect that some of those funds may come from other ministries. We think, at this stage at least, that the figure mentioned will be satisfactory in order to get the pilot project on its way.

The member is quite correct that other communities have tried this — none in Canada that I know of, although there is a Drug Court in Vancouver that is somewhat similar. There are 27 communities in the U.S. that have tried it, and we're advised that all of them have been successful. It is for those reasons we're moving toward the same objective.

L. Krog: While on the topic of reform, with respect to the lobbyist registry, in May 2003 the government eliminated the requirement for lobbyists to list the names of every single public servant and other government official they had lobbied or intended to lobby. Obviously, what flows from that is that lobbyists no longer had to record when they had met with high-ranking government staffers.

On April 7 the Attorney General is quoted in the *Times Colonist* as saying that the Lobbyists Registration Act was changed in 2003 because its original version was "too cumbersome and bureaucratic, and too many names needed to be entered into it." The Attorney General is quoted as going on to say that other provinces' legislation was less onerous, and that having all staff members named is not critical to transparency.

My question to the Attorney General is: can the Attorney General explain, please, what types of problems led to the changes in the Lobbyists Registration Act in 2003?

Hon. W. Oppal: There were no specific problems as such, but there was no other jurisdiction across the country that had similar requirements. In the circumstances, it was found to be somewhat cumbersome for

a lobbyist to be naming every person that he or she dealt with. It's quite sufficient that the lobbyist name the ministry, and that holds anybody responsible for whatever lobbying activities take place.

I can assure the member that the fact the change was made does not in any sense mean that people to whom a lobbyist had made suggestions or lobbied would in some way exonerate the principal in those circumstances. The concept of ministerial responsibility is still very much in effect, so it did nothing to relieve any person of any obligations they otherwise would have had.

L. Krog: I take it from the Attorney General's remarks that he believes diluting the terms of the Lobbyists Registration Act caused no harm and that ministerial responsibility is ultimately the solution to these problems. I'm just wondering if the Attorney General believes that if anyone is convicted or breaches the Lobbyists Registration Act within his ministry — whether he thinks it appropriate that the Attorney General would have to resign, that that would be the ultimate solution....

[1940]

Hon. W. Oppal: I guess one person's dilution is another person's streamlining. That really was the purpose of the change in legislation, but my explanation is intended to convey that the fact every person does not have to be named doesn't lessen the obligations on the lobbyists.

That's the most important thing. It doesn't relieve the lobbyist of registration and of apprising the public through the registry of the activities of that lobbyist.

L. Krog: With great respect to the Attorney General's comments, all it requires is that one indicate one has lobbied, perhaps, the staff of the Ministry of Attorney General. It doesn't give specifics.

With respect to the suggestion that it's bureaucratic and that it's more streamlined, I have to ask: for whom is it streamlined? Is it streamlined for the bureaucracy, or is it streamlined for the lobbyists, who are the people the public does not always have great respect for and whom the public has great concerns about in terms of their activities, for which they often receive hundreds of thousands of dollars annually in this province to lobby government?

My question is to the Attorney General: was the streamlining designed to make it easier for the lobbyists or easier for bureaucrats?

Hon. W. Oppal: The lobbyist registration was amended or changed so that it would be in harmony with other provinces, and for no other reason. I might add that we're always prepared to re-examine the legislation. I made those comments clear during the various media interviews as well as in the House.

These things have an evolving nature to them, and so far we haven't received any complaints by members of the public. Other than comments we have received

from the members of the opposition and some questioning from members of the media, there really hasn't been any concern.

It may well be that with the enactment of the federal legislation, we may well look at this again. It's important to remember, however, that prior to 2001, there was no legislation at all regarding lobbying activities.

L. Krog: I well appreciate that the Attorney General may not wish British Columbia to be on the cutting edge, but it strikes me that his answer is really that we've slipped to the lowest common denominator and that because other provinces were less onerous, we have, to use his language, "streamlined" our legislation. That's a term, frankly, that I have some difficulty with — to essentially, and I use my language, dilute its impact and effect.

The suggestion that merely because there's only some media who are interested in this topic, or members of Her Majesty's Loyal Opposition — who happen to represent 40-plus percent of British Columbia's voters — isn't a good reason to be concerned about the changes that were made, I don't find to be a particularly satisfactory answer.

Can the Attorney General explain why having all staff members named is not critical to transparency? Obviously, it depends on what staff level. If I'm meeting with the most junior person in the Ministry of Environment, that won't have much effect. If I'm meeting with the deputy minister or assistant deputy minister responsible for an area that might have an impact on my application for a new ski resort, it seems to me we're talking about very different items.

The concept of simply saying you've met with ministry staff is absolutely meaningless when you're talking about a ministry that may consist of hundreds or thousands of employees. Again, my question to the minister is: can he explain why having all staff members named is not critical to the concept of transparency?

[1945]

Hon. W. Oppal: Obviously, the ultimate form of transparency would be to have everybody named with whom the lobbyist had any kind of contact at all. But the question one has to ask oneself is: does that make the legislation better? Is there a better form of accountability, and what does it achieve when you name everybody down the line? I would suggest there's no real mischief created, no real void, if everybody isn't named. Having said that, we are always prepared to re-examine the legislation.

I'm not so sure I agree with the member's categorization that eliminating the requirement to name all persons with whom a lobbyist had contact is resorting to the lowest common denominator. In fact, we were at the cutting edge at the time in 2001, when the legislation was enacted.

These things have an evolving manner about them, as I said earlier. It may be that in due course by receiving formal submissions or submissions of some sort, changes may be necessary. At this stage there really

hasn't been any call for it, save and except for some questions recently in the House within the last three or four weeks.

L. Krog: The Attorney General, to some extent, has raised the issue directly in his answer. That is, he's almost suggested the best system would in fact be one that was total and would require the listing of all contacts within a given ministry, which would be the most transparent form of a lobbyist registry; which would be the most publicly transparent, readily available to media, to opposition and to the public generally; which would be the best guarantee and safeguard against the very mischief this act was designed to prevent.

In light of the Attorney General's comments and the suggestion that perhaps the government would consider revisiting these changes, I have to ask the Attorney General: in light of what's happened in this province in the last two years, are there any genuine plans to revisit these changes and to move forward with legislation that would bring British Columbia onto at least some sort of par with what is proposed at the federal level?

Hon. W. Oppal: The act itself is consistent with other jurisdictions in Canada. The act was amended in order for it to be in harmony with other legislation across the country. We will monitor, of course, the proposed federal legislation in Bill C-2 with respect to lobbying activities. We may well take a second look at that time.

In answer to the member's concern, there's no evidence of mischief. There's no evidence of any of that taking place under the present legislation at all.

L. Krog: With great respect to the Attorney General and without wishing to skate near the edge of things which I would not wish to bring up in these estimates, it seems to me there is very good evidence in this province of dealings with persons within ministries, which has created a great deal of mistrust in the public mind about the conduct of government and who one goes to in order to make things happen.

Notwithstanding that, the Attorney General's answer still seems to be: "We wanted to bring it back into line with other provinces and less onerous." My question is: in a province that is supposed to be on the cutting edge of prosperity, a province that was a leader in terms of freedom-of-information and privacy legislation, a province that was on the leading edge of electoral reforms some years ago — why is it that the Attorney General and this government are so unwilling to put us on the cutting edge of reform around lobbyists?

Hon. W. Oppal: We're not refusing at all. All I said was that we are quite prepared to re-examine it. We are quite prepared to examine the ramifications of Bill C-2. If we find that it's necessary for British Columbia legislation to be in harmony with the federal legislation, then that might well be a valid consideration and something that we would have to consider at that time.

[1950]

It's important to remember the registry really has as its objective that it enables the public to find out who are being paid to influence MLAs and on whose behalf the lobbying is taking place and the issues they are raising. As far as wrongdoings are concerned, the wrongdoings really lie outside the lobbying legislation. They lie in other statutes, such as the Criminal Code and various other statutes.

The Lobbyists Registration Act provides for a registration process so that the members of the public can find out, through the registry, who the lobbyists are and whom they're lobbying. But if someone is abusing that in their lobbying activities, there's nothing in the act that addresses that in any event.

The Chair: Member, can I just remind you that legislation is actually not the subject of estimates, but of course the administration and the action around the consequence of legislation is.

L. Krog: That leads me to my very next comments and question, as a matter of fact.

On January 26, 2005, *The Tyee* reported that Mary Carlson, the director of policy and compliance for the lobbyists registry, said that "the registry and the act itself are deeply flawed."

Among the problems Ms. Carlson cited: the registry relies on an honour system, there is little to no enforcement, and the definition of "lobbyist" is too blurred or restrictive to truly keep tabs on who has pull with legislators. She says: "If what you would like to measure is who is influencing government, it really doesn't do that." So my question is: what is the current total budget for the lobbyists registry?

Hon. W. Oppal: The registry is funded by the Office of the Information and Privacy Commissioner in the amount of roughly \$100,000 per year. It is intended to be a cost recovery program through registration fees.

However, the Ministry of Attorney General remains responsible for the system's development and support, including maintenance of the registry's web-based computer system. Those costs are approximately \$15,000 per year.

L. Krog: The figure of \$100,000 does not inspire confidence in this member. Nor, I suspect, would it inspire confidence in the public of British Columbia.

There was a line heard last year in the Finance Committee. Someone was asking for about \$14 million and said it wasn't even a rounding error in the Ministry of Health's budget; \$100,000 isn't even a rounding error in the Ministry of Attorney General's budget.

How does this rather minuscule — and I do say minuscule — budgetary amount compare to previous years?

Hon. W. Oppal: The commissioner has the power and the authority to ask for more funding, and he has not seen fit to ask for more funding. I'm sure that if a

request had been made for a larger amount for ongoing funding, that's something we would have to consider.

L. Krog: I need to ask, and I will ask again: how does the funding of \$100,000 compare to previous years?

Hon. W. Oppal: The \$100,000 has been given annually since the establishment of the registry.

[1955]

L. Krog: Given that there has been at least some inflation and given what has happened recently in the province, are there any plans to increase this amount, short of the commissioner actually coming forward and requesting an increase in his budget — which, I might add, he has done annually and certainly did last year before the Finance Committee?

Hon. W. Oppal: The commissioner has a statutory authority to operate the office and carry out his functions. To date he has not asked for more money to operate the office. Obviously, if he did, that's something we'd have to consider. It's not a question of the commissioner being denied necessary funds with which to operate the office. The fact is he hasn't asked for any more.

L. Krog: Can the Attorney General advise exactly what the total revenue generated through the supposed self-funding nature of this registry is annually?

Hon. W. Oppal: The moneys do not go through the Ministry of Attorney General. The moneys that are generated by the office would go through his own office, and he has a direct relationship with the Ministry of Finance.

L. Krog: In the 2006-2007 budget submission from the Office of the Information and Privacy Commissioner, it states: "We have recommended that the Ministry of Attorney General increase its capital budget for the lobbyist registry act system by an additional \$20,000 to fund upgrades to improve the transparency and functioning of the system."

My question to the Attorney General is: have those funds been allocated?

Hon. W. Oppal: The commissioner, to our knowledge, has not requested further operating funds from the Ministry of Attorney General. I'm assured that if he did, that request would be considered favourably, particularly in the amounts that the member has alluded to.

L. Krog: For the assistance of the Attorney General, I'll read the quote again: "We have recommended that the Ministry of Attorney General increase its capital budget for the lobbyist registry act system by an additional \$20,000 to fund upgrades to improve the transparency and functioning of the system."

My question is: what types of projects will be undertaken to "improve the transparency and functioning of the system"?

Hon. W. Oppal: Our capital budget is \$14 million a year. Taking that figure into consideration, I don't think it would be onerous for my ministry to fund another \$14,000. That's my way of saying that we really don't have any knowledge of this recommendation or this request for more funding.

The Chair: Minister. I mean member.

[2000]

L. Krog: Not yet, hon. Chair, but thank you.

This comes from the 2006-2007 budget submission from the Office of the Information and Privacy Commissioner, and I assume that somehow it must have worked its way into the Attorney General's ministry.

[H. Bloy in the chair.]

I take it from the Attorney General's response that a \$20,000 increase will in fact be agreed to, in light of the Attorney General's remarks. Isn't that in fact the case?

Hon. W. Oppal: The answer is yes.

L. Krog: Can the Attorney General tell us how many staff are currently dedicated to the functioning of the lobbyists registry?

Hon. W. Oppal: We don't know. We don't run the office. He runs his own office, and we're not responsible. We provide capital, but he's completely independent, and he has his own staff.

L. Krog: I take it from the Attorney General's answer that once the money flows out of the Attorney General's ministry, we don't necessarily care what happens to it? I'm sure that's not what the Attorney General meant to say, and I'm sure that he must have some knowledge to assist the estimates process with respect to the questions I've just asked surrounding the issue of who's working at the registry and if there are any plans to increase that number.

Hon. W. Oppal: The funding for the ongoing expenses does not come through our ministry. It comes from his own ministry, his own office, his own vote. So we have nothing to do with his ongoing expenses. The money that this ministry is providing now is for capital.

L. Krog: I'm wondering if the Attorney General can advise how many times the lobbyists registry website has gone down in the past year, and if so, for how long.

Hon. W. Oppal: We don't run the system. We're not aware of any malfunctions in the system. He runs it himself.

L. Krog: I appreciate the Attorney General doesn't appear to have much knowledge respecting this issue tonight, but the lobbyists registry is clearly a matter of some importance to British Columbians. I'm wondering if he can advise if he knows what the average response time if a lobbyist's calls become registered....

Hon. W. Oppal: The member wants to have it both ways. On the one hand, he wants independence, and then he wants us to interfere with the way he's running his office. We don't do that. He's an independent officer. We don't know what he's doing inside his office. It's not up to us to find out. That's what independence is all about.

L. Krog: To the Attorney General: I appreciate his response. We all appreciate the independence of officers in British Columbia. That's very important, but with a budget of \$100,000 a year, it hardly pays to cover the electricity.

In the current act, it states that lobbyists are exempt from filing with the registry if a public officeholder provides a written request for advice. Can the minister explain the rationale behind this provision?

Hon. W. Oppal: I wonder if I could have the member repeat the question.

[2005]

L. Krog: In the current act it states that lobbyists are exempt from filing with the registry if "a public officeholder" provides a written request for advice. Can the minister explain the rationale behind this provision?

Hon. W. Oppal: Hon. Chair, I say this with respect: I thought these were estimates — and not what my legal opinion is of what the intent of the legislation is.

L. Krog: I take it that the Attorney General isn't prepared to answer that question, so I'm going to go ask him another. The act also states that an in-house lobbyist must register only if lobbying constitutes "a significant part" of their duties. I wonder if the minister can explain the rationale behind this provision, particularly in light of his earlier comments tonight that he was prepared to look at changes to the statute.

Hon. W. Oppal: One would assume that the reason for a person to be defined as a lobbyist is to address and regulate only those people who spend more than 20 percent of their time in lobbying activities, and not for a person who.... The Mothers Against Drunk Driving, who may come to you to ask for assistance — are they lobbyists? Or a child care group will come to your office to request funding — are they lobbyists? That, I would assume, would be the reason for setting a threshold, so as to define "lobbying" and "lobbyist" only after a person spends a portion of his or her time in lobbying activities.

L. Krog: In the government's 2003 *A Guide to the Lobbyists Registration Act*, it states that lobbyists must

disclose "the source and amount of any government funding received" by the client and "the subject matter of the lobbying," including specific information such as "the relevant legislative proposal, bill, resolution, regulation, program, policy, contract or financial benefit." Looking over the registry, this level of detail doesn't appear to be there, and I'm wondering if the minister can explain the seeming discrepancy between this guide and the lobbyists registry itself?

Hon. W. Oppal: The document, or the material from which the member is reading, is something called *A Guide to the Lobbyists Registration Act*. This is a document of the registrar. I regret to say that I'm not really in a position to interpret that. If those are his guidelines, then he would obviously be the proper person to whom that question ought to be addressed.

The Chair: Member, just before we start. There'll be Vote 5, which will come up later in the week, for the Information and Privacy Commissioner, who oversees and enforces the lobbyists registration program pursuant to the Lobbyists Registration Act. You'll have an opportunity to canvass that at another time, so if you'd direct your questions towards the estimates.

L. Krog: I'll move on to another section for the time being. In September 2005 Jenny Arlene Woloshyn pleaded guilty to criminal negligence causing death. She had driven drunk, and she'd killed David Firenze, a 23-year-old North Van resident. In January 2006 she was sentenced to two years in jail and two years probation. On February 14, 2006, the Attorney General commented in the *Vancouver Sun*: "The facts in our view were egregious, in that she had a blood alcohol level of 0.15, the legal limit being .08, and she was proceeding the wrong way on the freeway and caused a death."

[2010]

The Attorney General then used a rarely invoked authority to order the Crown's appeal of the original sentence. In May 2006 the B.C. Court of Appeal doubled the jail term to four years, and the Attorney General commented: "I thought it was important that we appeal that particular case. I thought the sentence was low, having regard to the circumstances of the offence and her particular circumstances." My question to the Attorney General is: why did he intervene in this case and not in other cases?

Hon. W. Oppal: Fortunately, I don't have to intervene in many cases. That's the first time that I've done that. As the member knows, the criminal justice branch is responsible for the day-to-day prosecutions and the Crown Counsel Act makes it clear that they're responsible for all prosecutions, and it would not be appropriate under the act for the Attorney General to get personally involved in any prosecutions or in any appeals. However, under the act, the Attorney General does have the residual power to do that, providing all the necessary statutory steps are taken.

In this particular case, it was my view that the facts, as the member stated, were egregious. I felt that the sentence in the circumstances was low, and I took the unusual step of intervening. Hopefully, I won't have to do it again.

L. Krog: I appreciate the Attorney General's comments. I'm wondering what policy in his view dictates those cases in which he may intervene. What does he see as the guidelines that are appropriate to intervening in cases such as this Woloshyn case?

Hon. W. Oppal: There's no policy as such. As the chief law officer of the province, I have the ultimate responsibility, and I'm ultimately accountable to the public on all matters regarding the criminal justice system. On that particular case I felt that the sentence was not appropriate, so I took the unusual step of ordering the appeal.

L. Krog: Obviously, the Attorney General is well aware that there was significant media coverage surrounding this case. The Attorney General's comments about the facts in his view being egregious caused me some concern. I'm wondering: did the Attorney General believe that his comments from February were appropriate, given that the case was headed off to the Court of Appeal?

Hon. W. Oppal: I didn't think that my remarks were inappropriate. Well, when I ordered the appeal, I thought it was incumbent for me to give a satisfactory explanation as to why I made that unusual move. Having said that, I felt quite strongly and accurately in my view that the Court of Appeal would not be influenced by my view on whether or not the facts were egregious.

L. Krog: In 2004 a Human Rights Tribunal hearing found that the government was guilty of discrimination when it forbade immediate family members from being paid as caregivers. This ruling applies to the Ministry of Health's Choice in Supports for Independent Living. This program currently excludes family members as caregivers to a disabled individual.

In November 2005 the Attorney General commented that "it could take anywhere from four to nine months for change to occur." I'm wondering if the Attorney General can inform us tonight whether this change has in fact occurred.

[2015]

Hon. W. Oppal: There is a multimistry committee working on that now regarding the policy. I can't say exactly when we'll have a response from them, but I can assure the member that that issue is being looked at as we sit here this evening.

L. Krog: The ruling was in 2004. That is some two years ago now. In 2005 the Attorney General, as I say, had commented that it could take anywhere from four to nine months for the change to occur. We're getting close to the outside nine-month limit that the Attorney

General commented on himself. I'm wondering if he can give a more accurate indication when, in fact, we can expect these changes to come into effect.

Hon. W. Oppal: I think that the decision requires some explanation. The case in 2004 referred to the policy that was in effect in 2002. In the meantime, a change had been made that would address the issues, and that was in 2002. After that case there was a change in policy, but the ministry is now, along with other ministries, examining further changes.

L. Krog: I take it from the Attorney General's comments that when he spoke in November and had indicated that it could take anywhere from four to nine months for the changes to occur, he was talking about further contemplated changes. If so, what are the contemplated changes?

Hon. W. Oppal: Well, we can't say what the contemplated changes are. We're waiting for a response from the cross-ministerial committee. The remarks I made were obviously in reference to the further changes that were coming in the newer policy.

L. Krog: An issue paper was recently released on the *Child and Youth Officer* website which states that:

While the number of aboriginal youth in custody has declined from an average of 83 in 1996-1997 to 53 in 2005-2006, the proportion of aboriginal youth among the population of incarcerated youth in British Columbia has increased significantly. In 1996-1997 aboriginal youth...were three times more likely to be incarcerated than non-aboriginal youth. In 2004-2005, a year after the Youth Criminal Justice Act came into force, aboriginal youth were five times more likely to be incarcerated. Statistics for 2005-2006 show that aboriginal youth are now almost seven times more likely to be incarcerated than their non-aboriginal counterparts.

The paper gave significant pieces of advice and recommendations in suggesting:

Develop and maintain a profile of incarcerated aboriginal youth as a first step in creating strategies for addressing the overrepresentation of aboriginal youth in the youth custody centres in B.C.

Determine and best fund practices aimed at youth with FASD and other disabilities and mental conditions prevalent among youth in custody, including aboriginal youth, to support them in living in the community.

Educate police officers, judges, probation officers and others in the youth justice system about the growing disparity between the incarceration rates of aboriginal and non-aboriginal youth....

Increase access to community-based counselling and support services for female aboriginal youth in custody who have been victims of physical and sexual abuse, and provide continued access to these services after their release from custody.

Develop and enhance existing community-based first nations programs that use strength-based or asset-building approaches with aboriginal youth.

Identify existing barriers to the provision of those referrals by the youth justice system....

I'm just wondering: has the Attorney General had an opportunity to read this issue paper?

[2020]

Hon. W. Oppal: The answer is: I haven't read that paper. For the benefit of the hon. member, youth corrections fall within the Ministry of Children and Family Development.

L. Krog: I'm wondering if he can explain why aboriginal youth are now almost seven times more likely to be incarcerated than their non-aboriginal counterparts.

Hon. W. Oppal: It's a very valid question. It is a matter of some concern for all of us who have been involved in the criminal justice system all our lives: a disproportionate number of aboriginal people — period — in our jails across this country.

I can assure the member this is something that has been a matter of concern to me. The easy answer, I suppose, is that issues such as poverty and racism and all of those factors that aboriginal people in this country have been victims of are obviously major factors as to why there is a disproportionate number of aboriginal people in our jails.

The reason for aboriginal young people being disproportionately higher in the system than their non-aboriginal counterparts, I would think, would mean that sociologically and economically, they have not kept pace with other young offenders. I'm told that is one reason why they are represented disproportionately.

Obviously, this is a societal problem that we as a society have to and must address. It's a sad commentary on our society that we haven't done anything more productive and positive when it comes to dealing with people of aboriginal background, particularly their young people.

As the member well knows from being in the House and dealing with the child legislation, we know that over 50 percent of the children in care are aboriginal children. Again, that's something we have to address, and we have to address it aggressively.

L. Krog: I appreciate the commitment I think I heard him make around seeing that steps would be taken. I'm just wondering: will he implement any of the recommendations from this paper — any of which I've read out? That included educating judges, probation officers, etc. around the issue of the disproportionate number of aboriginal youth in the criminal justice system.

Hon. W. Oppal: The probation officers don't come within the Ministry of the Attorney General, but the member's point is well taken, and that is: what are the participants in the criminal justice system doing about this as far as educating themselves? As the member knows, as the Attorney General, I can't direct the judges to educate themselves. I can say this: the judges have ongoing educational seminars.

[2025]

I do know that with the leadership of Chief Judge Stansfield, they are actively involved with the issues involving aboriginal people. I know that the justice system itself is concerned about this issue. My conversations with the judges and my knowledge of their educational programs....

Having lectured at the judges' seminars, I can tell you that very rarely is there a seminar in any of the levels of the courts that doesn't in some way deal with aboriginal offenders. I can tell you, from my years on both the Supreme Court and the Court of Appeal, that we had a number of seminars throughout the year, and I can't recall many that did not contain some reference to aboriginal offenders and have many speakers from the aboriginal communities appearing.

L. Krog: There was a report in the *Victoria Times Colonist* — the February 10, 2006, edition — of comments the Attorney General made to the Victoria business audience at that time. I'm going to read a couple of those quotes talking about offenders: "If they are suitable, we put them through the treatment system, and then, presumably, they do not become repeat offenders."

Further on: "We're in the planning stages and have various ministries working on it." This was the concept of community court. "It's not an easy project. It's complex...but I'd like to say we're committed to it, but it won't happen overnight." And comments further: "Seattle has four and a half times the homicide rate we do, while in Vancouver we have 20 to 25 in any given year...we're not that badly off. Having said that, I'm not in any way minimizing the effects of property crime, which appear to be out of control."

Coming back to earlier remarks I made tonight about British Columbians' main concern being property crime — that's the one they're most likely to be victimized by — and relating it back to drugs and the comments of the Attorney General that something like 23 jurisdictions already have this in place.... Again, I want to ask the Attorney General: why are we not attempting to move quickly in this area to solve what is, if you will, the crime of greatest concern to British Columbians?

We know it works in other places. There is all the empirical evidence one would hope that we would need. The Attorney General's suggestion that simply because it's not in place in other provinces....

I come back to the point: in a province with our level of present economic prosperity, which the ministers of the Crown continuously harp on over and over again in question period, I'm just wondering why it's so difficult and why we're being so tentative in these circumstances — proceeding with one application of this when, in fact, it should be attempted in various jurisdictions across the province instead of just one city court.

Hon. W. Oppal: Perhaps I didn't explain myself as clearly and as thoroughly as I ought to have. What we're attempting to do here is novel, even considering

what the American jurisdictions have done. The model that's made reference to most often is the one in New York, in midtown Manhattan. There's a court in Brooklyn, and Seattle has got one as well, but all of those courts that have worked very well deal with relatively minor offences — graffiti, bylaw types of offences.

We are attempting to raise this to a higher level and deal with matters of thefts of cars, property offences where people are committing more serious crimes. That makes the problem more difficult because it involves more people. It involves the health ministries, corrections, the police and the courts.

[2030]

As the member well knows, the courts, being independent, are sometimes loath to get involved in matters of policy. To that extent, we're going to require the commitment and cooperation of the judges. It takes a while to do that, and I can say that the Provincial Court is committed to doing this.

It's a case of taking innovative steps in areas where this has never been done before. Sometimes it involves taking baby steps, and other times it involves dealing with barriers. I can tell you that we have a definite plan.

L. Krog: The Attorney General is well aware that I take a certain high degree of interest in the issue of legal aid and the provision of legal services, and I questioned the Attorney General at length during last year's estimates around that section.

The Attorney General received, as a result of answers arising out of the estimates debate previously, a letter from the Nanaimo Citizen Advocacy Association in which they highlighted that provincial cuts had left already marginalized citizens without recourse to legal assistance. The Attorney General responded by highlighting the resources provided by the Legal Services Society.

The poverty law section of the Canadian Bar Association wrote to the Attorney General last November following the estimates debate. They raised concerns that poverty law and family law cannot properly function in the justice system without funding for legal representation. The response from the Attorney General highlighted the resources provided by LSS and briefly referred to the Attorney General's policy on legal aid.

There are, in my respectful opinion, significant gaps in the provision of legal services, particularly for the poor in this province. The core funding for LSS is \$61.5 million annually for 2005, 2006, 2007 and 2008. Cuts made in 2002 caused significant gaps in poverty law most particularly — specifically around the issue of service availability. Due to the cuts, funding for legal representation was dramatically scaled back. Legal aid dollars were focused on providing legal information services and legal advice, which are all worthy objectives in a system that was fully funded.

Many of the problems are too complex to resolve with the assistance of legal information and advice services alone. Indeed, many of those who require that

kind of assistance suffer from multiple barriers, whether they be around issues of literacy or mental health, access to computers or access to the kind of funding to simply enable them to find a phone that's serviceable.

These are questions of great concern to people who work at places like the Nanaimo Citizen Advocacy Association, which cannot take up that burden. They do not have the trained staff to do it. That is not their responsibility. They have enough poor in my city to deal with.

My question, then, to the Attorney General is: how much core provincial funding will LSS receive during this 2006-2007 fiscal year?

Hon. W. Oppal: It's \$61.6 million.

L. Krog: How does the province determine that allocation for funding? Is it based strictly on a request from LSS, or is it the reverse — that the Attorney General fixes the amount and makes LSS work within it?

Hon. W. Oppal: Since 2002 there has been a negotiating process between the ministry and the Legal Services Society. That's culminated by a memorandum of understanding.

[2035]

L. Krog: Obviously, the Legal Services Society, which has the mandate to deliver legal aid in this province, finds itself in a difficult situation. There is one large source of funding. That is the government of British Columbia, through the Attorney General's ministry.

To talk about negotiating an agreement is hardly a fair description of a process in which one is providing the funding and one is receiving it. A negotiation generally contemplates that there are parties who have at least some bargaining power, and the Legal Services Society has no significant bargaining power.

In these circumstances, and particularly given the cuts to poverty law in general, can the Attorney General advise how much will be directed to what most of us would refer to as poverty law — CPP claims, EI, debt, tenant and similar poverty-law problems?

Hon. W. Oppal: There is a negotiation that goes on, similar to any negotiation involving advocacy groups who approach government and advocate for funds based on their particular needs. As a matter of fact, as a result of the advocacy of LSS, the Legal Services Society, an extra \$4.6 million was given to them last year. That funding has remained in force, intact, and \$2 million of that is for support for information and support for poverty law.

L. Krog: As much as I appreciate the modest increase in funding in light of the need in the province, if one is to provide some service continuum for people, representation surely has to be part of that — legal representation.

The policy intent appears to be to eliminate the need for legal counsel, which may be a worthy objective in terms of reducing the income of lawyers in the province, but I hardly think it serves any useful purpose in terms of the public's ability to get the kind of legal advice and assistance it needs.

There are clearly many cases in what I will call the poverty-law area that require legal representation. By that I mean either a lawyer or a skilled paralegal. So my question to the Attorney General is: how does he reconcile his policy with the reality that representation must be available in the area of poverty law?

Hon. W. Oppal: It's important to remember that we have to take a more creative approach. We have to take an approach in that the best way to achieve fairness, equity and justice is not necessarily through lawyers. I appreciate that there are difficult legal questions that sometimes can only be resolved by lawyers, but in this province the public has expended huge dollars for legal aid.

[2040]

For the Air India case legal representation, \$22 million was spent. There are cases right now going on in this province where we're funding people in family law cases.

I'll give you an example of a case in Nanaimo where we had a dispute in the family law between a husband and wife go on for a year — applications, applications to vary, show causes, enforcement hearings. The Legal Services Society was funding the lawyer both for the husband and the wife. The duty counsel that the ministry has put in finally took the case over and solved it in an hour and a half. We find that that's happening more and more, where access to justice doesn't necessarily mean access through a lawyer.

I appreciate that there are some cases where legal help and legal advice are necessary, but we have put 46 duty counsel in the family courts. They're of immense benefit to the people who come in there and people who are poor, particularly single mothers — poor women who need help. The lawyer who is there gives them immediate help. We've got 13 more in the Supreme Court. Those are all creative, innovative ways of solving disputes.

As I said in my opening, access to justice doesn't necessarily mean access to justice through lawyers. The object, of course, in the earlier reductions that were made was not to cut back on the incomes of lawyers. I might have to go back into the business some day, you know, so we don't want to do that.

What we have to do is keep in mind that we don't have an unlimited supply of money, that we have to carefully appropriate the money in the rightful places so that it will achieve the best results. We find, for instance, in family law that we're getting a more effective form of settlement and justice by having counsellors and alternative dispute resolutions and mediation and all of those things that very often don't require lawyers.

While in certain cases we may need lawyers, in many of these cases we don't need them.

L. Krog: I note with interest that the Attorney General says we don't need lawyers and refers to duty counsel. Of course, they're all lawyers. With respect to the Attorney General, those lawyers cannot appear in court other than to advise of consent orders that they may have been able to negotiate between the parties.

As much as I appreciate it, essentially what you're saying is that if it can't be settled, you're on your own, Jack or Mary — which pretty much puts us back into the situation which the significant generation of tax dollars through the tax on legal services in this province could more than adequately fund.

I'm wondering if, in the circumstances, the Attorney General is prepared to commit to using all of the funding generated through the legal services tax to provide access to justice to some of those groups that we talked about tonight — those who need poverty law assistance, those who need fuller legal aid on the family tariff.

Hon. W. Oppal: In fact, there are other areas in which we are spending money to assist people who need assistance. We're funding the family maintenance enforcement program, which does family search and court application services. We've spent \$16.6 million on

that. We're operating a dispute resolution service and family access services — \$9.7 million on that. Research policy design for child protection mediation — \$1.6 million on that.

As well, Legal Services provides lawyers for those litigants, particularly women, who are involved in child custody cases, protection cases. In those cases, where the poor people are most vulnerable, they're still getting funding for real lawyers, actual lawyers going into a courtroom and acting on behalf of the people who need the services.

[2045]

L. Krog: In light of your comments, I would ask that the Attorney General have staff available in the morning relating to the issues around his ministry in multiculturalism and human rights. I will have more questions for the Attorney General in the morning, but that might assist his staff in terms of preparation.

Noting the hour, I move the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 8:46 p.m.

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