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THE HONOURABLE BILL BARISOFF, SPEAKER

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

SECOND SESSION, 38TH PARLIAMENT

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Honourable Bill Barisoff

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TUESDAY, MARCH 21, 2006

The House met at 2:05 p.m.

Introductions by Members

J. Yap: It's my pleasure to introduce to the House in the precinct today and the gallery a group of 70 grade ten students from a secondary school in my riding, Richmond-Steveston, Robert A. McMath Secondary School. We have with this group of students a number of teachers — Ms. Monique Vonk, Mr. Robert Arey, Ms. Anita Fung and Ms. Susan Myler — and also parents Mr. Shane Pawlichuk and Ms. Leslie English. Would the House please make them very welcome.

D. Hayer: I'm pleased to introduce today four special guests: my constituent and past president of the Society of Punjabi Engineers and Technologists, Balraj Singh Mann, who is the managing director of Metro Testing Ltd.; Harry Watson, CEO and president of Metro Testing; and Connie Travers, office administrator. Would the House please make them very welcome.

Statements (Standing Order 25B)

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

R. Chouhan: On March 21, 1960, in the township of Sharpeville, South Africa, police opened fire and killed 69 people who were peacefully demonstrating against apartheid's past laws. The United Nations General Assembly subsequently declared that day, March 21, the International Day for the Elimination of Racial Discrimination and called on the international community not only to commemorate that tragedy but also to work together to combat racism and discrimination wherever they exist.

Forty-six years have passed since that Sharpeville massacre, and much has been done to combat discriminatory practices. We must all provide leadership towards removing the prejudices and erroneous beliefs that still cause pain and division in our society today. Human beings all over the world suffer from institutionalized or indirect discrimination, from acts of violence and hate crimes, from harassment and religious persecution.

Internationally, the United Nations has decided to strengthen its commitment to human rights by restructuring and improving its human rights commission so that higher international standards are set for human rights. This new body will have more stringent membership criteria and will, for the first time, have the power to censure nations with records of human rights abuses.

For the International Day for the Elimination of Racial Discrimination in 2006 we must resolve ourselves to encourage interaction of cultures and civilizations through education and awareness-raising and with a view to promoting mutual respect, diversity and equality. We must encourage the full and active par-

ticipation of all stakeholders in the elaboration, planning and implementation of anti-discrimination activities through government-initiated education programs in order to contribute to progressive change to eliminate racism within our own communities and the world at large.

READING 44

K. Whittred: Today I would like to speak to the House about an innovative and internationally recognized achievement of teachers in North Vancouver. Teachers in North Vancouver have designed, developed and implemented a number of outstanding learning resources. Reading 44 is but one of these.

Reading 44 is aimed at improving reading skills from kindergarten to grade ten. We all know, whether we're a parent or a teacher, that reading is essential and fundamental to all learning. North Van teachers have designed the program based on that belief — the belief that the ability to read is fundamental to success in all educational programs. Reading 44 is used throughout North Vancouver and in many school districts across the province, across Canada and, in fact, around the world. The most recent order for the reading 44 curriculum, in fact, came from Australia.

[1410]

The learning resources for reading 44 are based on current and sound research that shows that reading is complex and develops over time. The purpose of the framework is to assist teachers in using the research of teaching reading in their everyday classrooms. It translates what the current research on reading shows into everyday practical teaching resources. Longitudinal studies show us that reading 44 is significantly beneficial to reading proficiency of at-risk children.

Reading 44 is but one of many great examples of how our teachers in this province are improving the learning successes of our children.

E-ONE MOLI ENERGY

M. Sather: I rise in the Legislature today to praise the work of E-One Moli Energy, one of the largest employers in my community and one of the world leaders in lithium-ion battery technology.

Moli Energy was incorporated in 1977 to develop a commercially viable battery using technology from the lithium research program at the University of British Columbia. E-One Moli Energy employs over 400 staff with over half the employee base living in Maple Ridge and immediate surrounding communities.

I recently had the pleasure of meeting with Ms. Alyson Cuthbertson, manager, general affairs and Mr. Ken Broom, executive vice-president of Moli Energy. The company has a world-class research and development team who are at the forefront of lithium-ion innovation. The recent introduction of a new high-rate application resulted in an investment of over \$6 million for state-of-the-art manufacturing equipment.

This new product is the energy source for the world's first complete line of lithium-ion cordless power tools. E-One Moli Energy is committed to minimizing the impact of their operation on the environment, including manufacturing impact on the community, plant discharge and prevention of pollution, waste recycling and disposal plus emergency preparedness and response.

Lithium-ion rechargeable battery technology is a highly competitive field. Manufacturing of these products has largely moved offshore. However, Moli Energy is unique in maintaining production in North America, providing important jobs for my community. This is a company whose innovative capabilities have allowed them to remain competitive, and I am encouraged that Moli Energy has been able to use their business skills to remain an important employer in Maple Ridge-Pitt Meadows.

IMMIGRATION TO NORTHERN B.C.

J. Rustad: B.C.'s history is built on immigration. It doesn't matter whether you're speaking about Vanderhoof or Vancouver, Burns Lake or Burnaby. Immigrants are a huge part of our province's social and economic fabric.

Yet it might come as a surprise to some to know that there is a huge range of cultural diversity in northern B.C. created by immigrants moving north to build a future for themselves and for their families. In my riding of Prince George-Omineca there is a large immigrant population with cultures drawn from every corner of the globe. From tradespeople to teachers to doctors, immigrants are living and working in northern B.C., and the north is better for it.

Now, with the skills challenges created from our expanding economy, immigration is becoming increasingly important. In fact, over the next 12 years there will be an estimated one million job openings in our province. Many of those will be in B.C.'s booming heartlands. We're training more people now than ever, but the fact is that we will need immigration to meet the fast-growing demand for skilled people. We recognize this challenge, and through the provincial nominee program we're helping to solve this issue.

So on this International Day for the Elimination of Racial Discrimination I'm extending an invitation on behalf of northern B.C. to newly arrived British Columbians looking for a place to live, work and raise their families. We have jobs, we have amenities, and we have a low cost of living that is tough to beat anywhere in B.C. The north welcomes you with open arms, and we look forward to the contributions you will make to our collective cultures and to our communities.

CHINESE CANADIAN ARTISTS

N. Simons: Earlier this month I had the great pleasure of attending the annual dinner presented by the Chinese Canadian Artist Federation in Vancouver. It was my first opportunity to meet with the leaders of the Chinese artist community, and I was honoured by the welcome I received.

[1415]

As the son of an immigrant musician myself and a classical musician as well, I understand the importance that art plays in our communities. Whether it be poetry, calligraphy, painting, theatre or music, art is an integral part of our culture and our identity.

These are the building blocks for strong societies. The more we can share with each other, the better we can understand and celebrate our differences.

The evening's events exposed me to a rich collection of artists from all fields, including painter and master professor Chow Su-sing, calligrapher Chen Fengzhi, world renowned poet Luk Fu and painter Lai Yukman. While these names may not be familiar to people in my cultural community, their talents and their art enrich us all. I also had the opportunity and pleasure to meet curators, collectors and community leaders, including Tseng Sing-tin, Tsao Sing-uan and Ku Siu-kwan, as well as Gabriel Yiu. These people are fundamental to the richness of our society and are instrumental in making this province a symbol of diversity to the rest of the world.

I was particularly interested in the fact that among those in attendance were respected representatives of both China and Taiwan enjoying and celebrating the same achievements. To me this illustrates how art will and must always be a stronger force than politics.

MEDICAL IMAGING SYSTEM

M. Polak: I rise today to tell this House about an exciting innovation in medical imaging taking place in the Fraser Health Authority. The picture archiving and communication system, or PACS, is a filmless medical imaging system. PACS is a computer system that allows the digital capture, storage and transmission of medical images.

Through PACS, a network of computer servers and web-based work stations are interfaced with hospital diagnostic imaging equipment such as X-ray, CT scan, MRI and ultrasound. Once the images are stored, physicians are able to review their patients' films at any location within the health authority, as well as in their own offices and even from their homes when they're on call. Teams of physicians in different locations are able to view the same patient films as they discuss treatment and diagnostic issues. Patients will no longer have to pick up films before a doctor's appointment. Duplication of exams will be reduced, as every examination performed at any FHA site will be included in a patient's record at their local hospital and will be readily accessible by physicians.

As PACS is implemented across the province, it will also enhance access to quality health care for residents of rural British Columbia. For example, someone injured in a remote location can have their images viewed by physicians and specialists in a larger centre without having to wait for those images to be physically transported.

PACS went live at Langley Memorial Hospital on October 18, 2005. Along with other sites in the Fraser Health Authority, Langley is part of an exciting new

era of technology for Fraser Health. Clearly, the increased efficiency provided by innovations such as PACS will assist our province as we face the challenges of a quickly changing health care environment.

Oral Questions

NON-COMPLIANCE LIST OF INDUSTRIAL POLLUTERS

R. Austin: The opposition has asked the Minister of Environment to publicly release the list of top polluters in B.C. He would not agree. However, we know from the last existing compliance reports that Canfor, West Fraser and Teck Cominco were among the top companies out of compliance in 2001. Will the minister release his polluters list, so that the public can know whether these companies are continuing to flout the law?

Hon. B. Penner: As indicated yesterday following question period, the ministry is working towards producing a new document. Instead of just being offered twice a year, as the former inconsistent and somewhat ad hoc list was offered, it will actually be provided four times per year. It'll be a summary of compliance and enforcement activities in British Columbia involving tickets and orders made by the ministry, as well as convictions by the courts. That will be made available because of enhanced technology that this government is putting into place. We had to fix up a problem that we inherited from the previous government.

Interjections.

Mr. Speaker: Members. The member for Skeena has a supplemental.

R. Austin: I'm so glad five years of work has brought us to that point. The old polluters list is based on audits and compliance inspections. We know that these are positions that were cut and compromised by this government in the past.

[1420]

Furthermore, the government moved to a deregulated, results-based compliance regime for resource industries that relies heavily on ministry officials to monitor the outcomes of industry activities. To the minister: does the Ministry of Environment still conduct such audits and monitoring despite sustaining personnel cuts, and if so, can he tell us who has been found to be out of compliance?

Hon. B. Penner: The ministry does get involved in compliance efforts. You will be aware that just a few weeks ago we announced the hiring of 18 additional conservation officers around the province on a seasonal basis.

Interjection.

Hon. B. Penner: It's questionable.

If the member was actually listening yesterday, he would have heard that for the first time in British Columbia the conservation officer service is putting together a dedicated plainclothes investigations unit requiring an additional four full-time conservation officers that will specialize in industrial and commercial compliance investigations. That's something the previous governments didn't see fit to do. It's something that we are doing, and it's going to provide good results for British Columbians.

S. Simpson: Yesterday the Minister of Environment admitted: "There is a challenge in pulling together accurate and informational reports across the ministry." He went on to say that this "made it difficult for the ministry to put out reports that were considered fair and reasonable even by their own staff." He then admitted that he was just implementing a system — and he spoke about that a little bit earlier here — that would "give us the ability, for the first time ever, to more accurately go after these types of violations and to get timely information for members of the public."

After five years in office, this is an incredible admission of ministerial chaos. Since the minister has acknowledged that even his own staff can't have confidence in the accuracy, fairness or reasonableness of ministry information, how can he expect British Columbians to have any confidence in what the Minister of Environment tells them?

Hon. B. Penner: It appears the opposition critic wasn't listening either yesterday. I indicated that the ministry has been challenged by the fact that we have inherited 62 antiquated information systems that don't adequately communicate with each other, and so it provides difficulty for staff to get consistency. That problem has been identified, so last summer the ministry put out an RFP asking for a solution, and I'm pleased to announce — again, as I did yesterday — that earlier this year the ministry signed a contract. We allocated \$1.3 million for that project, and I'm told by the officials in the ministry who do the actual monitoring, compliance and enforcement that it will give them many more advantages in terms of being timely in the information and more effective in their investigations and, ultimately, prosecutions.

I should also pause to mention that just a few days ago the opposition critic was on CFAX radio, where he said he agrees with our results-based approach. He agrees that you can get rid of needless regulations when you set the objectives and you tell people to work towards those objectives. Then today we're hearing something completely different from the opposition.

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

S. Simpson: You know, the results-based approach can work, but not if you gut the ministry.

Interjections.

Mr. Speaker: Members.

S. Simpson: If the ministry was restored the 300 staff positions, it might have a chance to work.

But the minister likes to talk about the 1990s. So let's talk about that. In 1998 the Premier, who was then Leader of the Opposition, wrote a letter to the Freedom of Information Association. In that letter he stated: "The fundamental principle must be this: government information belongs to the people, not the government. This means...that all citizens must have timely, effective and affordable access to information."

My question is to the Premier. Considering that the minister yesterday told this House that we can't expect reasonable, fair or accurate information from his ministry — and those are his words, not mine — will the Premier tell us whether he believes that his ministry has, in fact, met his fundamental principles of accountability?

Hon. B. Penner: Again, just to be clear to help the members opposite, what I said was that the NDP list was not accurate, reasonable or fair on all accounts. We're working to make it better.

[1425]

But I should also point out that 86 percent of the freedom-of-information requests submitted to the Ministry of Environment are provided free of charge.

I went through the explanation yesterday for the member, but I'm happy to do it again if he wasn't listening. The request that Sierra Legal put forward was very broad, very expansive. When I asked why it was so costly in terms of the cost estimate, I was told it was because it would take 5,000 staff hours to go and do the work of photocopying virtually every conservation officer's notebook in the province, across the province, in various regions.

British Columbia is a big province. It's bigger than downtown Vancouver, I'll have the opposition critic know. It's a very big province. There's a lot of work to be done.

Frankly, Mr. Speaker, we are taking charge. We're adding \$1.5 million this year to our compliance and enforcement efforts, which is allowing us to hire the extra staff I've talked about, in addition to the new computer system that will allow us to accurately get information on a timely basis.

RACIAL STEREOTYPING

R. Chouhan: An Ipsos-Reid poll published last week revealed that nearly two-thirds of respondents blamed ethnic groups for crime. Poll results show respondents put Indo-Canadians and Asians on the top of their list. But crime statistics in British Columbia do not support that perception.

This poll is troubling, because it shows the growing stereotypes against ethnic communities in British Columbia. Given that the Attorney General is not here, my question is to the Premier. What steps is his government taking to stop the stereotyping of ethnic communities?

Hon. J. Les: We are very proud of our record in terms of crime prevention in British Columbia. As I'm sure the member is aware, we have seen the largest expansion of police available to communities in British Columbia in over 20 years. We have made resources available to communities in British Columbia on a scale that is unprecedented, frankly. We have, for example, turned over all traffic fine revenue to communities to help them. We have increased technology. We have integrated our policing resources. We are absolutely committed to ensuring that crime is eradicated wherever it occurs and by whomever it is committed.

Mr. Speaker: The member for Burnaby-Edmonds has a supplemental.

R. Chouhan: Before this government dismantled it, the Human Rights Commission had the mandate to provide public education to combat racism and raise awareness against negative perceptions against ethnic minorities. Today marks the international day against racism. My question is to the Premier. Will the Premier honour this day by agreeing to restore the Human Rights Commission with a full mandate to educate the public against racism?

Hon. G. Campbell: First of all, let me say that I think that the Human Rights Tribunal is doing a very good job in British Columbia of shortening the period of time that it takes for complaints to be dealt with directly on behalf of complainants. That was exactly what it was set up to do.

Secondly, on this day I think we should celebrate our multi-ethnic and cultural diversity in this province. Whether it's dealing with issues of crime or issues of economic opportunity or issues of educational opportunity, we want to make sure that every single British Columbian, regardless of their background, can live to the fullest extent of their lives. That's why this government is so committed to expanding opportunities throughout British Columbia to members of all ethnic communities and all backgrounds. It is our diversity that is our strength, and it's what's going to build an even more prosperous province in the future.

J. Kwan: The Solicitor General has completely missed the point on the question around racial stereotyping. The issue is this. The government is not doing enough, in my view, in addressing racial stereotyping. So the Solicitor General's not answering the question. He thinks that it's about combatting crime.

My question, then, is to the Premier. What is this government doing in addressing racial stereotyping of which the Indo-Canadian community and the Asian community are on the top of the list of being targeted, according to the Ipsos-Reid poll?

[1430]

Hon. G. Campbell: First, let's all be clear that crime is in no way an ethnic issue. What we have been trying to do in this province is make sure that information is

available. The Attorney General and the Solicitor General work tirelessly to make sure that media outlets as well as our own law enforcement agencies are aware of that. They are working constantly to build connections and bridges between different communities into our law enforcement agencies. They will continue to do that.

Frankly, what the polls suggest to all of us in this House is that we all have work to do. We will continue to do it, and we welcome the opposition to join us in that work.

CHILD CARE ACTION PLAN

D. Thorne: Last fall the government engaged parents, child care providers and communities in a public consultation on child care. They committed to releasing the results of these consultations. They also committed to releasing a child care action plan.

British Columbians volunteered their time and their energy for this process, and they are waiting for this government to follow through on its end of the bargain.

To the Minister of State for Childcare: will you table B.C.'s child care action plan today, and will you also table the results of the public consultations on child care that you held last fall, both of which your ministry committed to providing by January of this year?

Hon. L. Reid: I'm indeed delighted to respond to this question. We had probably 500 respondees to the issue of how they would like to see child care delivered in the province of British Columbia. I'm pleased to tell this member opposite — and British Columbians generally — that those consultations are ongoing. Just last Friday we had a meeting in the city of Vancouver, and we had meetings in Richmond, where we had people come together to talk about hub delivery, how we will continue to deliver child care as we go forward.

We intend to continue to bring those discussions forward, and we continue to add material to that discussion as we go forward, because it's vitally important that we bring the best information to the table. Our challenge has been and will continue to be how to deliver the best possible programming. That work is underway, and I'm delighted to share that information with the member opposite as it becomes available.

Mr. Speaker: The member for Coquitlam-Maillardville has a supplemental.

D. Thorne: Yes, thank you, Mr. Speaker. I just wanted to add to the minister's response that it isn't me who needs the updates; it's the people of British Columbia who took part in the consultations. These people have been waiting, watching the website, wondering what's happening. We're now into the third month after it was supposed to be released, but I will go on to my supplemental.

Yesterday the YWCA released a report, *Building a Community Architecture for Early Childhood Learning and Care*, which was inspired by the OECD report that de-

scribed Canadian early childhood services as fragile, underresourced and virtually a patchwork of services. Not surprisingly, this report found that parents wanted a comprehensive system of care for their children to enable them to work outside their homes without constant anxiety and worry. B.C. parents feel the same way, and they wonder what is preventing this minister from releasing the government's plan to fill these child care needs of our own B.C. workers.

Families are still waiting for this government, and it is staying silent. I will ask again, because it is the families in this province that want the information, not the opposition — although we'd like to hear it as well. Again I will ask the Minister of State for Childcare: will she commit today to tabling B.C.'s child care action plan and commit this government to invest in child care to families? If necessary, if consultation is still happening and will continue, then let's update as we go along, but for heaven's sake, let's have the plan.

Hon. L. Reid: I'm pleased to respond in terms of the reference to the YWCA report of just yesterday. Indeed, that was a study that's been ongoing for the previous three years. It looked at four sites in Canada, of which British Columbia was one. It made particular reference to the hub discussion that wishes to be part of an ongoing discussion for Canada. It said that British Columbia was leading in how we deliver child care. In fact, hub discussion....

The report was funded by Social Development Canada and will continue to figure prominently in how the country goes forward on the child care question, how the city goes forward on the child care question and, frankly, how the province goes forward. Indeed, ongoing dialogue is always welcome. I thank the member for her question.

[1435]

M. Karagianis: Certainly, that information is three years old. We have now seen that this province has one in four children living in poverty.

But let's talk. The facts here are that women with small children cannot enter the workforce without child care. Parents cannot work without child care. This government's failure to plan for a comprehensive child care program will only exacerbate the current skills and labour shortage.

Last year in estimates the Minister of Community Services talked about how important it was to encourage women to enter the trades, and she said: "This ministry works across other government ministries to ensure that we will provide options for women seeking employment opportunities in the trades."

My question is to the Minister of Community Services. Have you lived up to this commitment and pressed the Minister of State for Childcare to develop a comprehensive child care program for British Columbia?

Hon. I. Chong: I'm very proud to be able to talk about the achievements that we have made with this

government in ensuring that women have opportunities to succeed in an economy that is doing so well. Prosperity is here. Hope and opportunity are here.

Just recently we were able to offer a mentoring program called Empowered to Work. In fact, I was in the member's own riding, where we announced this particular program. We're going to see a number of women enter the workforce who have perhaps never been there or who have been absent for a while, or university and graduate students who haven't worked before, be able to occupy jobs in non-traditional roles. It is an exciting program. I would hope the opposition joins us in celebrating these opportunities.

Mr. Speaker: Member for Esquimalt-Metchosin has a supplemental.

M. Karagianis: Let's be clear: \$40 million in cuts to child care under this government.

Women are major contributors to the economy. Stats Canada reported last week that the increasing participation of women in the paid workforce is one of the most significant trends anywhere in Canada. Many of those women have small children. Without child care, these women may not be able to participate in the paid labour force.

Again to the Minister of Community Services: will this government acknowledge the importance of women's contributions to this provincial economy and create a universally accessible child care program?

Hon. G. Campbell: The opposition has difficulty because they're so intent on being negative and pessimistic. The fact of the matter is that this economy is thriving in British Columbia. There are more women working in British Columbia today than ever in the history of the province.

This government has invested in the bridging employment program. We've invested in including women in the trades — in a new way, as the minister just mentioned to the member opposite. We're investing \$178 million over the next two years to be sure there is early childhood learning and child care for children across British Columbia. But the opposition still doesn't understand this. The only way we have those resources is because we've turned this economy around and there are jobs for women and men in every region of this province.

Interjections.

Mr. Speaker: Members.

AVAILABILITY OF BEDS IN HEALTH CARE FACILITIES

D. Cubberley: A new survey of nurses showed that nearly half were providing care to patients in hallways and closets at B.C. hospitals. Government reaction has been to claim it's a problem of patient flow, not capacity. However, evidence available to the minister sug-

gests it's a common practice to operate B.C. hospitals above 100 percent of their designed capacity, based on available beds.

[1440]

Can the Minister of Health tell the House whether it's government policy to allow hospitals to regularly operate over their capacity in order to handle patient volumes that exceed existing bed stocks?

Hon. G. Abbott: It's hard to believe, based on the comments that one hears from the opposition, that the principal policy that drove their health human resources strategy in the 1990s was actually to restrict the costs of health care by restricting the number of health professionals that we were educating in this province.

It's hard to believe, for example, that the number of nurses that we were educating in this province actually declined under the NDP. It's only under our leadership that we have seen the number of nurses being educated in this province increase by 62 percent — 2,511 new nursing spaces in this province since we took office.

Interjections.

Mr. Speaker: Members.

Member for Saanich South has a supplemental.

D. Cubberley: What's hard to comprehend is the minister's inability to acknowledge that he cut too many acute care beds. In the past week alone, stories about Shuswap, Vernon and Peace Arch hospitals have shown B.C. hospitals operating over 100 percent of capacity, meaning patients are being admitted to wards, hallways and closets. Yet the minister claims there's no bed crunch.

In a January 2006 IHA report on patient flow, a month-long snapshot shows eight IHA hospitals running above the 90-percent recommended threshold and all eight regularly at or over 100 percent of capacity much of the time. Vernon and Shuswap, in the minister's own riding, are consistently over 120 percent of capacity.

Will the minister acknowledge that the B.C. bed crunch engineered by his government means the IHA and other hospitals routinely are forced to operate over capacity, with negative impacts on patients and on staff morale?

Hon. G. Abbott: I had the opportunity last week to visit both Shuswap Lake and the medical staff there and to visit Kelowna General Hospital and to have a look at some of the challenges they face there. In both cases there is a capital reinvestment in those facilities that's long overdue. I'm happy to report, for the member's satisfaction, Shuswap Lake General Hospital is currently in the early stages of a \$13 million retrofit, which will see an expansion and improvement. Certainly, we will be seeing that in the future in Kelowna as well.

I should also remind the member that between 1993 and the year 2000 the NDP reduced the number of

acute care beds in this province by 3,334 — the biggest reduction ever in acute care beds in this province.

C. Wyse: My constituents wish to deal with the now and the present, not ancient history. I continue...

Interjections.

Mr. Speaker: Members. Members.

C. Wyse: ...to receive correspondence from my constituents. In a letter, Ina Boxer wrote: "It is not acceptable that we have such a shortage of beds. Male and female patients are put in the same room." Ms. Boxer goes on to note: "We had three good facilities right downtown, which provided excellent care for intermediate, extended and dementia patients. The location of these was perfect. These facilities were closed down before other beds were ready."

Ms. Boxer is right. The government prematurely closed three facilities before replacements were ready. In fact, because of the chaos these closures caused, the government has been forced to reopen some of them.

My question: will the Minister of Health confirm Ms. Boxer's concerns that the deep and shortsighted cuts made by this government have wreaked havoc on health care in the interior?

[1445]

Hon. G. Abbott: I do thank the member for bringing these issues forward. It would be helpful to me and my staff were he to provide — for example, in relation to the question asked yesterday — a little bit more information. We only know the name of the patient from the question yesterday, and today I'm not sure which community the member is referring to.

If he is referring to Williams Lake, I'm pleased to advise that in Williams Lake we have seen, just in the last couple of years, Williams Lake Seniors Village — 66 residential care beds and 15 assisted-living units — opened July 2004. An additional 33 residential care beds are planned to be open June 2006 — again, an addition onto Williams Lake Seniors Village by Retirement Concepts.

We have recently opened two new palliative care beds in Williams Lake. We've added, in September 2004, 34 independent housing units at Glen Arbor. Very recently, as the member knows, Interior Health has announced the addition of ten new residential care beds for Williams Lake as well.

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

C. Wyse: The facilities that were referred to by my constituent — not a patient... Her observation deals with 80-plus beds that were shut down. The minister is quite right when he refers to beds that are promised and are in the future. There is no question about that fact.

However, we are dealing, as I've said, with the now and the present. The government did promise 5,000

long-term care beds. They haven't delivered on them. The government closed long-term care facilities without providing replacements. That's the key point in our discussion. Now our hospitals in the interior are operating well above capacity all the time. That's the point. It is no longer the exception; it is the norm.

The minister must show leadership. My question: will the minister be courageous enough today to call for an independent review into the impact that bed cuts and closures on seniors and patient care in the interior...?

Hon. G. Abbott: If it's Williams Lake we're talking about, the net number, as I understand it from IHA, is plus 11 net, with more to be added later this year. So we do look forward to that.

I guess it depends on what one compares it to, Mr. Speaker. Again, I should remind the member about his government's own record in respect of this. This comes from the Canadian Centre for Policy Alternatives, generally reflexively sycophantic in relation to the NDP. Here's what they have to say in relation to this: "Between 1993 and 1999 there was an 18-percent drop in residential care beds in B.C. Thousands of new residential care beds are needed, and existing facilities over 30 years old require upgrades or replacements."

Fortunately, we've made a huge investment — \$1 billion to date — and will be investing millions and millions more to produce a better life for frail, elderly British Columbians.

[End of question period.]

Tabling Documents

Hon. M. de Jong: Mr. Speaker, I table the 2004 annual report for the Labour Relations Board.

Orders of the Day

Hon. M. de Jong: In Committee A, I call continued Committee of Supply, the Ministry of Children and Family Development, and in this chamber, Committee B, continued committee debate on Bill 2, Budget Measures Implementation Act.

[1450]

For the information of members, following the completion of that bill, we will be going to the bill that is referred to somewhere in a note that I don't have at my disposal. But it's the continued debate on the employment standards act, Bill 8.

Committee of the Whole House

BUDGET MEASURES IMPLEMENTATION ACT, 2006 (continued)

The House in Committee of the Whole (Section B) on Bill 2; S. Hammell in the chair.

The committee met at 2:54 p.m.

Sections 23 to 28 inclusive approved.

On section 29.

S. Simpson: Could the minister tell us what the value of this levy is — the current value of the \$3 levy — in total?

[1455]

Hon. C. Taylor: About \$10 million.

S. Simpson: Could the minister tell us how much of that \$10 million roughly goes towards paying for the current tire recycling programs and how much of it is excess, and where does the excess go?

Hon. C. Taylor: Approximately \$7 million goes into the tire program. The other \$3 million goes to the sustainable fund.

S. Simpson: That sustainable fund, where the other \$3 million goes.... Could the minister tell us: what does that money, the other \$3 million out of the levy, get spent on since it goes there?

Hon. C. Taylor: That would be within the Environment Ministry, and the minister would be able to speak to you about this. Today this bill is just enabling legislation to allow, when the Environment Minister does change programs, for it to happen.

S. Simpson: Well, around that, then, the minister is confirming that the purpose of these clauses in this bill today is to allow an industry stewardship program to be put in place at some time in the future?

Hon. C. Taylor: This particular legislation is just enabling legislation so that when the Environment Ministry decides what program will go forward, then we will be able to repeal this program.

S. Simpson: Well, to follow up on that, could the minister tell us: what is the expectation about when this legislation would be called and how that will happen? Will it happen through an order-in-council? Does it have to come back here to the House in some form?

Hon. C. Taylor: This legislation allows us to do it by regulation, and it will happen sometime this year.

S. Simpson: Is the minister committing here that we're not going to see any changes in the current practice until such time as the Environment Minister has in fact brought forward a stewardship program, and it's been passed and dealt with here?

Hon. C. Taylor: I'm not today, with this bill, making any changes to the program. This just — when the Environment Minister has looked at the program and decided how he is going forward — enables us by OIC, by regulation, to repeal what we are doing currently.

S. Simpson: Well, maybe I'll just explain my concern here. I don't have a problem, necessarily, with at some point in the future going forward with an industry stewardship program. I look forward to being able to have that discussion with the Minister of Environment at the appropriate time.

[1500]

The concern that we have here is a bit of the "cart before the horse" on this one, in terms of bringing forward a program that takes a levy off the table that currently pays for a recycling program and puts dollars into another fund that's needed — the sustainable environment fund — without knowing when that stewardship program is coming forward.

So my question for the minister would be: why would we bring this forward now and pass these particular clauses when in fact we haven't dealt with the question of the stewardship program yet? Why wouldn't we do it the other way around or do it concurrently?

Hon. C. Taylor: This is simply to give flexibility to the Minister of Environment so that he can act quickly. If, for instance, it happened in July and the House wasn't sitting, if we hadn't passed this enabling legislation, then he would not be able to move immediately.

J. Kwan: Just so that I can clarify with the minister on the process here. What I understand is that the minister is saying that an industry stewardship program would likely be introduced at some point by the Minister of Environment. That will replace, then, the tire levy that is in this bill. That's what this section of the bill does. It allows for the repealing of the tire levy that exists right now.

However, if I'm understanding this correctly, we will not be — and the government would not be — moving forward in enacting this section of the act until such time as the new industry stewardship program is actually in place. Am I correct in understanding that?

Hon. C. Taylor: Just to keep the words proper, we will enact this bill. The regulation that will finally repeal the levy will depend on the timing of the Minister of Environment when he has designed the subsequent program.

J. Kwan: Presumably, the subsequent program would need to be brought to the House in a bill for debate. Is that not correct?

Hon. C. Taylor: I don't know what the plans are for the Minister of Environment, and I would ask that the member opposite ask those questions of the relevant minister.

J. Kwan: Well, the problem here is this. Here we have sections of the bill, sections 29 and 30, which relate to a government initiative around an industry stewardship program related to tires. But we don't know yet what that new program looks like. We don't know when the new program would come in. All we

know is that it will come in at some point, and what we're doing here is passing the legislation that would allow the government to repeal the existing program with respect to the tire levy.

I would say that I have a bit of a problem with that — without knowing what the new program is. We don't even know if the new program will be debated in this House from the way it sounds. I would find that troubling, because we have a lot of questions related to that program. How, then, could the government expect the opposition to simply move forward with this without knowing what that new program looks like? In essence, what this will do when sections 29 and 30 go through.... The government, by the stroke of a pen — through regulation, through OIC — would be able to repeal the existing program. Nobody knows what the replacement program looks like. We don't know what the implications are with respect to the replacement program.

I would find that troubling. We know that from the environmental community in consultation with them, they are troubled by that as well. They don't know what the implications might be either. It appears that nobody knows at this juncture. So why not stand down this section of the bill until such time that — in the interests of accountability, in the interests of really ensuring that there is proper debate and understanding by the public of what the government is doing around an industry-led stewardship program around tires — we see that information and until we actually have the opportunity to properly review it and properly debate it? It then may well be very appropriate to repeal this section of the bill related to tire levies.

[1505]

So I'm very troubled by the answer — or the lack of answers, if you will — from the Minister of Finance related to this. On that basis, I would be very uncomfortable in actually supporting the passage of this section of the bill.

Hon. C. Taylor: The Minister of Environment has kindly informed me that, in fact, the intentions paper was posted on the website in November after broad consultations, so that information has been in the public domain. Further to that, the estimates for the Minister of Environment are still to come, and you will have ample opportunity to discuss the tire levy and possible programs and initiatives.

Today what I'm responsible for is bringing forward legislation that will enable us, when that program is in place, to repeal the old program.

S. Simpson: Maybe the minister misses the point here. The point is that it sounds to me like we're getting no commitment here that the stewardship program will get into this House and be dealt with and debated in this House where it can have a full hearing. The only way we get to discuss anything even vaguely related to that in this chamber is to discuss it through this \$3 levy.

The point that I would make is, essentially, that if we pass this today, then whatever the ministry does.... I think the Minister of Finance made some comment

about maybe in the summertime the stewardship program will get put in place, when there isn't anybody around to talk about it, necessarily — not in this place — and that's a problem.

I'm very loath to support this. I think the hammer, quite frankly, that we have here is to remove sections 29 and 30. When the Minister of Environment brings forward a stewardship program, at some point this House will have to come back and discuss the changes to this clause. That may give us an opportunity at least at some point in second reading or someplace to have some discussion about the merit of a stewardship program that this is predicated on. I have a real problem with that.

I'd ask the minister to think long and hard about hoisting this section. Bring it back after we know what the Minister of Environment is doing. Otherwise you're backdooring this thing, as far as I'm concerned, and doing it in a way that allows a program to be put in place with no accountability back here.

J. Kwan: Let's just be very clear here. What the minister said was that we could debate this matter in estimates debate with the Minister of Environment. The Minister of Finance said that there's some information posted on the website around this.

But what we don't know is when the program will be brought into play. We don't know what the details of the programs are. There's no commitment from this minister that until such time as we actually have a public review of the program, the government would invoke sections 29 and 30 in Bill 2, which is to repeal the existing tire levy — a program that was brought in, in the 1990s, which has actually worked quite well.

I'm not necessarily even suggesting that there should not be changes to the program. I'm not necessarily saying that the industry-led stewardship program is a bad one. But there are questions associated with that program, and we don't know what that program looks like at the moment. We don't know whether or not the new program would actually address some of the concerns that my colleague the member for Vancouver-Hastings, the critic for Environment, had raised during second reading and which the environmental organizations have brought to our attention as well.

I don't know how it is that members of this House, for that matter, would vote for a bill without knowing what the implications of the sections of the bill are. I don't know how people would feel comfortable about doing that.

The whole thing around the tire levy is to encourage an environmentally friendly recycling program for tires and to encourage the usage or the reuse, if you will, of what's called tire-derived fuel or tire-derived products. We have no idea what the ramifications might be by simply repealing it, because we don't know what the new program looks like.

[1510]

I would say this. Without the government committing to engaging in a debate, allowing for a public de-

bate related to the new program prior to sections 29 and 30 being passed — or even prior to sections 29 and 30 being brought in by OIC, by regulation — I would argue that we cannot support sections 29 and 30 at this time, by the sheer, simple fact that we don't know what the new program looks like.

I would challenge all of the members in this House to look at these bills, to review the sections of the bills and to understand the implications related to them. This tire levy program is all centred around protecting the environment, encouraging alternative usage and recycling tires. If people are interested in protecting our environment in that regard, then they would not support the passage of sections 29 and 30 at this time, or they would get the government to stand down sections 29 and 30 until there's a full hearing and review of the new program.

The opposition will not be supporting sections 29 and 30 at this time.

[1515]

Sections 29 and 30 approved on the following division:

YEAS — 41

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

NAYS — 27

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

Sections 31 to 41 inclusive approved.

Title approved.

[1520]

Hon. C. Taylor: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 3:21 p.m.

The House resumed; Mr. Speaker in the chair.

**Report and
Third Reading of Bills**

BUDGET MEASURES
IMPLEMENTATION ACT, 2006

Bill 2, Budget Measures Implementation Act, 2006, reported complete without amendment, read a third time and passed.

Hon. M. de Jong: I call committee stage debate of Bill 8.

Committee of the Whole House

EMPLOYMENT STANDARDS
(COMPASSIONATE CARE LEAVE)
AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 8; S. Hammell in the chair.

The committee met at 3:23 p.m.

On section 1.

C. Puchmayr: We had debate on this bill yesterday, and we've certainly looked at the details of the bill. We are going to flesh out some of the concerns through this committee stage. I've also given the courtesy to the Labour Minister of a copy of a proposed amendment to the bill, which I will submit to the Clerk now, as well, so the House has it in advance.

I just want to make some comments with respect to the mechanisms that explain this bill to the public and to the workers who should be benefiting from it — the many young workers that may be in need of taking time off on compassionate leave, the many immigrant workers and the workforce in general. I want to flag some concerns upfront that I have with respect to the mechanics of this bill and how the people, other than the millions who are watching here today, will understand the direction that this is going. I hope to flag those issues through the process as we look at the different mechanisms of this bill.

The Chair: Shall section 1 pass?

Some Hon. Members: Aye.

On section 2.

[1525]

L. Mayencourt: Section 2 defines who is eligible to be able to benefit from a compassionate leave, and it specifically defines "family member" as "(a) a member of an employee's immediate family, and (b) any other individual who is a member of a prescribed class." With respect to the immediate family, my question to the minister is: how are same-sex partnerships — gay and lesbian partnerships — cared for under the definition of immediate family?

Hon. M. de Jong: The bill, and the amendment that it captures and proposes to make to the Employment Standards Act, defines "family member" for the purposes of compassionate care. It includes anyone within the current Employment Standards Act definition of immediate family, plus any other individual who's a member of a prescribed class.

"Immediate family," within the context of the Employment Standards Act, includes a definition of spouse and also includes "any person who lives with an employee as a member of the employee's family." In so doing, both common-law and same-gender spouses are covered within this definition as they presently are within the Employment Standards Act.

L. Mayencourt: Just further to that, if I could get a statement from the minister on how children of a spouse would be affected. In other words, if there is not a direct blood relationship, how would that be accommodated for this type of a union?

Hon. M. de Jong: That would, I think, be a clear example of a situation that would be captured by the provisions that say "any person who lives with an employee as a member of the employee's family." I think that would include a child in the circumstance that the member has described.

L. Mayencourt: It does if they're residing with them, but it may be that you have two women living together, and one of their daughters is going to act as a caregiver for the parent who is not her birth mother. My concern is just this: how do we incorporate that kind of a relationship into this act?

[1530]

Hon. M. de Jong: I think the member is correct to this extent. The passage that I cited relates to a circumstance in which all three of the individuals are residing together.

The second provision of the section we're dealing with that I would draw to the member is subsection (b) dealing with "any other individual who is a member of a prescribed class." In fact, what we're trying to do is create statutorily a provision by which we can coordinate with anticipated changes to the federal legislation as well.

The scenario that the member has just described also applies to — dare I say — a more traditional step-child circumstance, as well, whereby we anticipate the

likelihood of a regulatory provision that would specifically include people in those circumstances that aren't necessarily within the household, in the type of example that the member portrayed. We think we've preserved the ability to ensure that people who have a loved one suffering, in the eyes of a doctor, from a fatal illness will have the benefit of the protection in this case — the eight-week protection that the act seeks to provide.

L. Mayencourt: Madam Chair, through you to the minister, I thank him for that.

I guess there are a number of situations that are similar to that, just slight variations on it. I understand that by cabinet, they can make a decision to define family members under that prescribed class. I would just encourage the minister to describe that prescribed class, if you will, in as broad terms as possible.

The example that I gave just a moment ago, for example, would be very, very useful when we're dealing with elder care. Often, family members that are not blood-related are actually involved in the caregiving, so it gets a little murky sometimes with same-sex relationships in terms of the definition of spouse in some acts versus others. I'd just like to very clearly say to the minister that it is to our mutual benefit, the benefit of all British Columbians, if we can extend that to as many people within that family unit as possible.

C. Puchmayr: Thank you to the member for Vancouver-Burrard for bringing some of my questions, also, to the forefront here.

Maybe to get some clarification now on the questions that were brought up. Could the minister tell us: why restrict leave to family members, especially...? I'm sure the member across from me has brought up some concerns and is probably aware of care commitments that may be as close as a neighbour that's dying and caring for another neighbour. Could the minister explain why to restrict it merely to the definition?

Hon. M. de Jong: The short, quasi-technical answer is that what we were seeking to do here is ensure that statutorily our legislation fell into line with what has emerged out of the federal Parliament and the changes that were made there.

[1535]

Beyond that, I can say that the genesis of that, the rationale behind that and what we were trying to do here is, quite candidly, to ensure that family members — those that live as family members or have a family-like relationship.... One can contemplate, I suppose, a series of other potential circumstances, but we did need to establish a definition by which people could ascertain people employees, the ill, and employers could ascertain with some certainty whether or not a particular employee qualified.

C. Puchmayr: I understand with respect to employment insurance regulations of the applications that are required to get benefits of the employment insur-

ance for an employment insurance application. But that does not preclude — and correct me if I'm wrong — having leave granted with provisions that may exceed the employment insurance regulation but still be leave granted and leave that would protect the person and allow the person to return to the employment that he has sought leave from.

Hon. M. de Jong: I think the question is: is it possible? Yes. The member is about to propose an amendment at some point here that does just that. We have chosen not to do it.

C. Puchmayr: Just to get some more clarification about the questions from the member for Vancouver-Burrard, could the minister then clarify this for me: can this leave be taken for the care of a same-sex partner?

Hon. M. de Jong: Yes.

C. Puchmayr: With respect to future regulations of the prescribed class, we spoke about the prescribed class, section 52.1(1)(b). What regulations are anticipated? Do we have those regulations ready at this time?

Hon. M. de Jong: What I can tell the member is that the federal government is in the process of consulting around a definition of prescribed classes of individuals. I don't have a draft regulation at this point so that I can say: next week, upon proclamation of this act, we'll be there. It includes stepsiblings; broadly speaking, the kind of example that the member for Vancouver-Burrard explained — generally, circumstances where people are residing in separate households but maintain that family-like relationship.

There is, in the draft language we've seen from Ottawa.... I will offer this up to the member as well. There is this — again, dare I say? — catch-all: "...whether or not related to an employee by blood, adoption, marriage or common-law partnership, an individual with a serious medical condition as described in the section who considers the employee to be, or whom the employee considers to be, like a close relative."

That's a far broader definition than is presently the case. That is something we will be looking at, at the same time that the federal government is engaged in that consultative work.

[1540]

C. Puchmayr: Section 52.1(2): "...within 26 weeks, or such other period as may be prescribed" — could the minister please explain what he would anticipate as beyond the 26-week prescription?

Hon. M. de Jong: Not anything at the moment. What we do want to preserve, though, is the ability to initiate change either of our own or in the event that the federal regulations were to change, to be able to track them.

The member has correctly, a few moments ago, identified the fact that there is value in maintaining a symmetry between the federal EI legislation and what exists here, though it is not an absolute necessity. But we did want to create statutorily the ability to take into account and respond to any changes that might occur federally.

C. Puchmayr: On 52.1(4), why can an employee not choose when the leave will begin?

Hon. M. de Jong: I'm afraid the answer to this one isn't very elegant. It's basically an administrative matter. The other models that we've examined and looked at, including the federal model, allow the employee a great degree of flexibility, but in terms of measuring the time, it's weekly increments.

In that scenario it's not possible to trigger these provisions and say to an employer: "I want two days off to be covered by this." The reality from a practical point of view is that I don't think that's an issue. In order to trigger these provisions, at a minimum the employee is saying: "I'm taking a week off without pay to go deal with this." In terms of measuring that, it's deemed to begin at the beginning of the week in the week that the member begins it.

C. Puchmayr: If an employee finds out on Monday that a loved one is very ill and may not be there by the end of the week, would that employee not have any protection with respect to having to leave the employment?

Hon. M. de Jong: Absolutely they would. But it would involve triggering the protection, and that would be week one of the eight-week period. Regrettably in that case, that might be all that was necessary.

The reality, I think, and the practical application of this is that in examples like the one the member has cited, very few people — I hope no one — find themselves in a position where that's an issue. It tends to be an issue where someone discovers that a loved one has been diagnosed and is in need of longer-term attention. We want people to be able to go to their employer and say: "Here is what's going on. My mom or dad or grandparent or child is involved in this situation. I have this letter" — which the act defines as a certificate — "that says there is a significant likelihood of death in the course of the next 26 weeks, and I need to attend to that. I'm going to attend to it. I want the protection to know that my job is going to be here when I come back."

I don't think it's those very short-term or immediate circumstances that have given rise to the need for this. It is more likely the longer-term scenarios.

[1545]

C. Puchmayr: I'm complete with 52.1(5). I would like to introduce the amendment now to section 52.1(5)(b). The amendment reads:

[Section 52.1 (5) (b)]

(5) A leave under this section ends on the last day of the week in which the earlier of the following occurs:

- (a) the family member dies;
- (b) the expiration of 26 weeks or other prescribed period from the date the leave began, or **104 weeks, in the case of the care of a child under the age of 18.**]

On the amendment.

C. Puchmayr: If I could speak on the amendment, the amendment we would like to see.... I know the minister illustrated yesterday the positives of this bill with respect to having someone, who is certainly struggling with the reality of a future loss of a loved one, not having to worry, for an eight-week period, about the employ or having to re-apply in that period of time.

The amendment, and the genesis of this amendment, is for one who has found out that they have a terminally ill child — the child, of course, under the definitions of a child in this province and federally, up to the age of 18. They would not have to worry about triggering those re-applications in order to spend some very, very short weeks with a child that has been diagnosed with a terminal illness.

Hon. M. de Jong: I'm obliged to the member for having provided an advance copy earlier today of the proposed amendment. I simply note, technically, that what he is actually proposing to do is amend section 2 of this bill. I don't think the written version of this indicates that. But be that as it may, I think we can talk about the substantive provisions.

I will begin by observing to the member and to the House that the bill in its present form does contemplate a re-application or an extension of the original eight-week period to a subsequent eight-week period. That would be 16 weeks, four months, of protection in the happy event that the person who is diagnosed doesn't succumb to the illness during the first eight-week period.

I will actually ask during the course of my comments that the member.... In anticipation of his amendment based on his remarks yesterday, I sought to canvass, again, what the circumstances were in other jurisdictions. To my knowledge, the province of Quebec is the only province that we were able to discover that has the provision — in fact, I think, precisely the provision that the member is proposing here. If there is another jurisdiction that does so, then I'm interested in hearing what it is. Quebec is the only one that I am aware of.

The notion that we would extend the protection offered here in circumstances where the employee is a parent — that it is that parent's child who is in need of the care — is not one, in my view, without merit. But I have to say to the member that we have endeavoured to proceed down this path, keeping in mind what has taken place at the federal level, where the provision does not exist in the form that the member is proposing here.

Further, we have endeavoured, also, to ensure that employees' and employers' groups are supportive and

willing to make the proposals that are here work. I think we have managed to do that thus far. That isn't to say that we shouldn't be prepared to examine other alternatives, but I must say to the member that before recommending the amendment that he is proposing here today — and recognizing the merit in the idea and the concept — I would feel obliged to engage in a level of discussion and consultation with affected parties that, quite frankly, I have not done. Insofar as it alters for a certain group, it alters in a very significant way the level of protection that is afforded here.

[1550]

The member has, I think, succeeded in planting a seed today by virtue of the amendment and his comments yesterday. I, however, feel obliged to advise him that I am not going to be able to cultivate that seed with the speed with which he would like in lending support to the proposed amendment today.

C. Puchmayr: I'm at least somewhat pleased to hear those comments. I believe there is a provision for bringing that in under regulation, and if the minister wishes to bring it in under his name, I will totally support him on that.

Your first comments were with respect to the order, and just a technical order. According to the bill as you presented it to the House, section 2 does have 52.1 in it. I don't know if that was a clerical error, but it does link the amendment, in a housekeeping manner.

The concerns with respect to regulation.... I would like to canvass that a little bit on the regulation. There have been some very severe amendments to the employment standards legislation and regulations, to such a degree that it's no longer mandatory to post the regulations in the place of employment. I personally find that very problematic, especially with young people who really don't often know their full rights in the place of employment. I would like to ask the minister to enlighten us as to how this information could get to employees who could benefit from it.

To just take that a little bit further, many new businesses start daily, probably, in this province — small businesses, 80 percent of the generators of employment in this province. Often people venturing into small businesses or starting small businesses.... Because the regulations are no longer mandatory to be posted, even for the small-business owners who have very good intentions, most of them don't understand the act or the legislation or the regulations. Therefore, not only are they depriving themselves of the knowledge that they need to pass on to their employees; the employees don't have that knowledge in the workplace.

I'd like to canvass that with the minister — how the minister expects to communicate this legislation to employees who rightly will benefit from its application.

Hon. M. de Jong: I think the first point that I would want to emphasize is that part of the reason that we — and I, I guess — thought this was an appropriate step to take is because it fits with what people are doing

now. We have statistical data out of the federal employment insurance bureau that allows for us to break down provincially when people are accessing the program that was set up federally. I think those numbers are in the neighbourhood of.... Well, close to a thousand in '04.

[1555]

The reality here is that when a loved one is struck down, people are doing what they need to do to provide the level of care. We want people to know about this protection. Ensuring that it is part of all the material posted on the website — in a variety of languages, I might add — so that people are aware that they have the ability and the protection they need to take care of their loved ones at times of crisis will be a big part of the effort going forward once this legislation is proclaimed, as I hope it will be very soon.

The member may, with some validity, I think, make the point that in the vast majority of cases of responsible employers, it won't be an issue, because it wasn't an issue to begin with, but that in some instances it will be necessary for employees to know that they are acquiring this right and this protection. I would agree with that proposition. We will want to take steps to ensure that our materials that are routinely made available to the relevant groups and employee advisers contain up-to-date information about this new protection.

C. Puchmayr: You made the comment, and I agree with you, that with most employers you wouldn't need to go to this extent. But it's not because of most employers that we have regulations; it's because of a few who may not understand the regulations or may interpret what regulations there are in a way that is detrimental and, frankly, illegal to the workforce.

My question, again, is: will the minister, other than the webpage...? There are certainly some issues with the language. I know you have different languages on the webpage, but you basically have to have a good sense of English to get to the other languages, so that's a problem in itself. Will the minister work towards ensuring that the employment standards regulations are once again posted in the workforce and make it mandatory?

Hon. M. de Jong: I may not be able to offer the member precisely the degree of satisfaction he is looking for, but I will say this. I support wholeheartedly the proposition that people.... It is a responsibility but also a fundamental right of living in this country and being a citizen in this country that one knows what one's obligations are under the law and what one's protection is under the law. To the extent that there are ways we can ensure that is the case and work with the advocacy groups.... In general terms, I'm never reluctant to examine and re-examine whether or not we are meeting our objectives in terms of providing that information to people.

This is not meant to be as partisan as it may sound. But I suppose a logical.... I'm actually interested in the member's response, so I'm going to wait until he's paying attention.

[S. Hawkins in the chair.]

It strikes me that this is a provision for which it would make sense, as well, to perhaps engage in a bit of advertising to make sure that workers do understand that this change has taken place. In the past there has been commentary around the use of paid advertising, but if the member has a view on that as it relates to this specific provision, then I'm obviously interested to hear it.

C. Puchmayr: Well, the fact that new businesses start daily and always have.... Also, unfortunately, many new businesses fail daily. Advertising money spent to communicate this would certainly not capture future businesses.

[1600]

I certainly wouldn't want to see the taxpayers' dollars being used on a weekly-monthly basis from here on in when we can do something as simple as going back to pre-2002 and making it mandatory to post the employment standards regulations in a place of employment. I think that's the cleanest, simplest and most cost-effective way of dealing with that.

Hon. M. de Jong: I appreciate that the member has a view, and we may not share the same one, around the effectiveness of the bulletin board. The reality is that the notion that employees could go to a wall at their workplace and get a comprehensive view of the regulations governing their rights, I think, was something of a fallacy. I hope, and I think the member hopes, that this is a provision that will have relevance not just now but going forward for new workers who come into the workforce.

I'm not sure we solved the issue, which I think is a legitimate issue. How do we ensure that people know what their entitlements and their rights are? I'm not sure that the solution proposed is the panacea for making that happen comprehensively. But I do, obviously, appreciate the member's views, both with respect to that proposition and my suggestion about at least an initial notification via the press that this provision is.... I, too, would not contemplate an ongoing advertising campaign. I think that's unsustainable. It doesn't make a lot of sense. But to at least alert workers, perhaps over the course of the next month, that this House has supported this proposal might make some sense.

C. Puchmayr: I haven't been in this House very long, but I've been here long enough to understand that the answer to my question by the minister is no. So I will move on.

Along the same vein, I think it is important that we look at how the triggering of a dispute with respect to employment standards now works with the self-help kit. You only need to phone to get assistance to find out that you can't even speak to an officer anymore. There's been, I think, a 50-percent reduction in field officers. Correct me if I'm wrong.

The Chair: Member, can I just ask: are we through with the amendment, or are we still debating the amendment? I would like to put the question on the amendment.

C. Puchmayr: Yes, I'm sorry. You're absolutely right. On the amendment itself — yes, please.

The Chair: Members, I'd like to put the question on the amendment.

Amendment negatived.

C. Puchmayr: We were so engaged in that debate, we forgot about the amendment and moved right along. I thank you for catching that.

The final issue with respect to enforcement... Again, I do have concerns with enforcement. I'm hearing concerns with enforcement. I know there is a statistic of fewer cases going to the employment standards that need adjudication.

I have some real problems with the self-help system. Rather than going into it in detail, I want to just focus on the self-help component, how it could affect this and maybe make some suggestions. I know that in extreme cases, you can actually bypass the self-help kit; you don't have to, basically, fill out a subpoena, hand it to your employer and say: "I'm challenging you on an issue."

[1605]

Would the minister consider in regulation, specifically on this issue...? I think I already know his answer if I asked a generic question, so I'm just going to ask specifically on this. Could the minister, through regulation, when it comes to an issue of compassionate leave, make a regulation that would force the employment standards branch to bypass the self-help process on this and immediately put it to an investigation officer?

Hon. M. de Jong: Well, I respect the member's views enough to want to convey that I am prepared to look at any reasonable suggestion.

I think the practical reality of this provision is that disputes are likely to arise after the fact. If one contemplates the kind of scenario we're likely to find, an employee is going to be confronted by a situation of a loved one who is ill. They'll do what they need to do — go look after that person and then come back to work. The violation, if you will, will occur if they come back to work and aren't re-employed. At that point, they will be in a position to access the provisions here and to seek enforcement of those provisions. In those circumstances, it seems to me it's important that it be dealt with expeditiously, and we should ensure that we do that.

I think there's another part of what the member has referred to, though, that will be important in terms of properly conveying to people what their rights are here, and that is how to make use of the section. They will need, for example, to get the letter from a physi-

cian who is treating the loved one, because that's the authorization, as it were. The act refers to a certificate. Conceivably, that language could confuse some people, whether it's a second language or not. I don't think there's any doubt that we have to make sure that people properly understand (a) what their rights are under this legislation and (b) how, procedurally, to access those rights. We should do that in as procedurally friendly a manner as we possibly can.

C. Puchmayr: The minister states that the violation would probably happen after the employee returns to work, but I think the violation could very easily happen during denial of that request. I think that has to be understood in the question that I ask. It's not only on returning to work. You would think that once they've returned to work, they've gone through the proper protocol. It's when the employer says: "No, you're not granted leave, and if you leave, I'm just going to hire someone else to replace you."

What concerns me is the self-help kit — how the person would have to respond to that by having a form filled out and then serving their employer, rather than now saying: "Look, I have the note from my doctor. The loved one is dying." Can't they just phone the employment standards branch and have an officer deal with that one? Couldn't that be one of those extreme cases where you would be able to bypass the other provisions for enforcement?

Hon. M. de Jong: I think I have a better answer for the member than even I thought possible. The answer is yes. Apparently, the leave provisions of the act, of which this will become a part, are exempt now from the self-help provisions. So the scenario that the member described — the negative scenario — shouldn't happen and wouldn't happen. That more direct access would exist.

C. Puchmayr: Thank you for that.

When does the minister anticipate the regulations that will govern this? Is it clearly after federal legislation or federal regulations through this task force, or is the ministry already looking at, potentially, some other regulations that may be generic to some of the other eight provinces and two territories?

[1610]

Hon. M. de Jong: Our intention is — with the permission of this House, of course — to proclaim the act immediately so that the benefit would accrue immediately for the defined class of persons.

As we talked about earlier, the provisions for expanding the prescribed class exist within the legislation. As that evolves and as the federal government completes its work, we can channel into that. But our hope and intention is for this to be in place virtually immediately so people can... When I say that, I don't mean virtually immediately next year. I mean virtually immediately in the next few weeks so that people can enjoy the protection forthwith.

H. Bains: A question. As we know, we're talking about the Employment Standards Act here. There was a clause at one time in the Employment Standards Act that no collective agreement could be inferior to the Employment Standards Act if you put them side by side.

My question is: does this cross over to the organized sector? And do the employers have the obligation to provide this leave to employees who have a collective agreement in place?

Hon. M. de Jong: As it is with the other leave provisions of the act, this is the minimum standard. A collective bargaining organization can certainly negotiate beyond this, but these are the minimal standards to which people included within a collective bargaining structure would be entitled.

H. Bains: Just to clarify absolutely that this is a minimum, and any employee with a collective agreement in place will be entitled to this leave under the similar circumstances.

Hon. M. de Jong: I'm just going to take a moment. It's an important enough question that I want to be able to convey to the member and the House with absolute certainty what I believe to be the case. I believe the answer is yes. I want to check.

Apologies to the members.

The advice I have received now, I think conclusively, is that the provisions, the entitlement to leave, would apply and would accrue to the benefit of the employee. The enforcement mechanism would not be via the Employment Standards Act but would be via the terms of the collective agreement.

[1615]

H. Bains: Now, if I can move over to, not the area of the enforcement part, but.... In non-culpable discharge cases, as you know, if an employee is off sick due to injury or illness longer than the average employee, the arbitrators have ruled that the employer has the right to terminate this employee because they failed to live up to their part of the contract.

My question here is: can the employer use this leave to add to the absences when they're calculating for the purpose of non-culpable discharge?

Hon. M. de Jong: No, it's a mechanism triggered by the employee, not the employer.

H. Bains: I understand that — if an employee is provided with this leave, as they're entitled to, according to the answer we received. But at the time of termination, the employer looks at the past two or three years of the employee's absenteeism record which is of non-culpable nature — WCB cases, sickness, injuries, etc. Then they add them up, and then they decide that this employee has a higher than average absence in the plant. So, therefore, the employer has the right to ter-

minate for non-culpable discharge. When they add the absences.... My question is: will this leave, if this employee has taken this leave in the previous year or two, be used to calculate the absence?

Hon. M. de Jong: I think I better understand the member's question, and the answer is no. The act specifically prohibits against an employer engaging in that kind of a calculation. It is designed to ensure that for all other purposes, it is as if the employee was there. So if there is a wage increase during the time of absence, the employee receives the benefit of that wage increase. There are provisions dealing with the continuation of benefits. So the answer to the member's question is: no, that would not be something that an employer could engage in.

H. Bains: Thank you, Madam Speaker, and thank you to the minister. Those are my questions.

The Chair: The member for New Westminster has a question.

C. Puchmayr: Those were my questions. Thank you.

Section 2 approved.

The Chair: Members, we just need to go back to section 1. I'm not sure if the question was put.

Section 1 approved.

Sections 3 and 4 approved.

Title approved.

Hon. M. de Jong: I move the committee rise, report the bill complete without amendment and seek leave to sit again.

Motion approved.

The committee rose at 4:19 p.m.

The House resumed; Mr. Speaker in the chair.

[1620]

Report and Third Reading of Bills

EMPLOYMENT STANDARDS (COMPASSIONATE CARE LEAVE) AMENDMENT ACT, 2006

Bill 8, Employment Standards (Compassionate Care Leave) Amendment Act, 2006, reported complete without amendment, read a third time and passed.

Hon. M. de Jong: I call second reading debate of Bill 12.

Second Reading of Bills

TOBACCO SALES (PREVENTING YOUTH ACCESS TO TOBACCO) AMENDMENT ACT, 2006

Hon. G. Abbott: I know my comments on introducing this bill yesterday were quite exhaustive, and some members claimed that it may have been a surrogate for actually second reading debate, but I would like to add a few notes here today.

Yesterday I introduced Bill 12. This bill, as we know, aims to improve compliance with the Tobacco Sales Act, particularly as it relates to preventing the sale of tobacco products to minors, something that I'm sure should be of great concern to all members of the House. With these changes, British Columbia will become the first province in Canada to have an administrative process that can impose financial penalties for contraventions of tobacco legislation.

[S. Hawkins in the chair.]

These changes will help avoid lengthy and costly court processes. The existing rules do not set out clear rules regarding what retailers must do to assess the age of prospective tobacco purchasers. The new rules will require that identification be checked for persons appearing to be under the age of 25 — something I'm not likely to be in danger of, but other members of the House may have that — a process similar to existing rules under the Liquor Control and Licensing Act.

Deciding if a person looks 25 years old can be a very subjective process. However, it is better to err on the side of caution, and indeed, many of us would not object to looking younger than we actually are. That's actually in my speaking notes, around that point. It was intended to be amusing, I'm sure.

An Hon. Member: Looking younger all the time.

Hon. G. Abbott: Yes.

The amendments will allow regulations to be made to specify the types of identification that are acceptable. Violations of the act must presently be addressed through court prosecutions. Cases are not often pursued due to competing court and Crown counsel time. It is anticipated that under the new administrative scheme it will take anywhere from a number of weeks to a couple of months to process violations under the act. This contrasts with the years it often takes to wind its way through the current court process.

Indeed, very few have been secured. On average, the Ministry of Health initiates around 35 suspensions each year but is only able to implement three or four because of the difficulty in securing convictions. If our goal is to control youth access to tobacco products, and indeed it is, we need a better, more efficient process for managing these convictions.

Suspensions under the existing system after multiple court convictions involve two separate pieces of

legislation, the Tobacco Sales Act and the Tobacco Tax Act, involving two ministries, the Ministry of Health and the Ministry of Small Business and Revenue. The courts have described this process as convoluted, and that would not be a good thing. Convoluted, from a legal perspective, is not good.

The amendments will establish an administrative penalty system that allows for monetary penalties and/or suspension of the sale of tobacco to be levied by the administrator without requiring prosecution through the courts. This will be similar to the system recently adopted by the government in the Business Practices and Consumer Protection Act and the Environmental Management Act.

Procedural fairness requirements will be set out through regulations, and decisions of the administrator will be subject to judicial review. Consequential amendments will be made to the Tobacco Tax Act to allow desired policy goals to be implemented in the most streamlined fashion to minimize regulatory impacts for retailers.

[1625]

Linkages have been made between suspensions under the Tobacco Sales Act and the Tobacco Tax Act to ensure continued consistency between the statutes and to reduce the risk of black market tobacco sales. Finally, the amendments will ensure that enforcement officials who are employed by regional health authorities know where tobacco products are being sold.

Tobacco use continues to be the number one cause of preventable disease in this province. As other members may know, British Columbia is in the enviable position of being the most successful jurisdiction to this point in the number of people who smoke in the province. Currently about 16 percent of British Columbians smoke. We aim by 2010, when we host the 2010 Winter Olympics and Paralympics, to have reduced that by a further 10 percent or down to about 14.4 percent.

Much of that effort in reducing the percentage of British Columbians who smoke has to be aimed at the youth of this province. If we are to be successful, we need to reduce the number of young British Columbians, particularly those under 19 years of age, but also those 19 to 24 who currently either smoke or who are in some jeopardy of becoming smokers.

To ensure that that opportunity does not exist inappropriately, we need legislation like this so that we can be effective in ensuring that penalties are brought to bear and enforced effectively. I think this is a very important step that we are taking here today in moving forward with this initiative. It's one of the pillars of the ActNow B.C. program which aims to continue B.C.'s downward trend of tobacco use and to make us the healthiest jurisdiction ever to host the Olympic and Paralympic Games. These amendments will complement the broader tobacco control environment which includes education, cessation programs, workers compensation provisions and local government bylaws restricting smoking in public places.

I know I and other members of the Legislature, including the opposition Health critic, had the oppor-

tunity this morning to meet and have breakfast with the Canadian Cancer Society and appreciate further some of their outstanding work in respect of advocacy around, indeed, more stringent ways that we can manage some of these issues. That was very useful.

Most importantly, these amendments will reinforce the province's commitment to reduce the adverse impacts of harmful and addictive tobacco products, particularly on children and youth. I think what we have seen in recent years is that it is a very small percentage of irresponsible retailers who ever sell to children and youth under 19 years of age. For that small percentage of irresponsible retailers, we do need to have some effective mechanism for ensuring that penalties are brought to bear and that appropriate prohibitions are put in place around their ability to sell tobacco. Reducing youth access to tobacco requires tough laws that are effectively enforced as reflected in these amendments.

Hon. Speaker, it gives me great pleasure to move second reading and to hear from other members of this Legislature their views with respect to this bill and this important matter.

D. Cubberley: The Tobacco Sales (Preventing Youth Access to Tobacco) Amendment Act, 2006, if somewhat inelegantly titled, proposes changes to improve compliance with the Tobacco Sales Act provisions regulating the sale of tobacco products to minors. It is intended to clarify the obligations placed upon retailers to assess the age of prospective purchasers.

[1630]

Essentially, it will establish a process similar to the Liquor Control and Licensing Act regulations requiring ID checks for people appearing to be under the age of 25. It will also establish an administrative penalty that allows for monetary penalties and suspensions to be levied by an administrative, as opposed to a court-based, process. Finally, it will establish a comprehensive register of where tobacco products are being sold in order to assist enforcement efforts by officials employed by regional health authorities and charged with that function.

Tobacco continues to be the number one preventable cause of disease, disability and death in British Columbia, despite our lower levels of smoking. Measures designed to keep tobacco out of the hands of our children are worthy of support. People who don't start smoking prior to age 19 tend never to start.

Earlier today — as the minister mentioned — at the Cancer Society breakfast for MLAs, tobacco was referred to as a scourge, the elimination of which should form a priority public health objective. Programs like this that control access to a product as addictive, we hear, as heroin or cocaine are important measures in the public toolkit. The social and health care costs associated with new generations of smokers make early intervention a priority. It is indeed much easier to prevent habituation than it is to get someone who is addicted to quit, and I can attest to that from personal experience. Members on this side of the House need no

convincing in that regard, as it was a previous NDP administration that introduced the very regulations this act seeks to streamline.

At this morning's breakfast, the Cancer Society challenged British Columbia to once again become a leader; indeed, to return to being the leader on tobacco reduction as it was in the 1990s — the halcyon days for tobacco reduction. That would, of course, require a re-engaging of a more comprehensive tobacco control strategy of the kind that was being pursued in the '90s, taking account of new measures that have been tested successfully elsewhere.

The world has indeed changed a lot since that time. I can remember when the capital regional district became the first municipal entity in Canada to introduce a full smoking ban. That, of course, would need to be more than simply brave words about reducing the incidence of smoking by 2010. Surely a worthy goal, but one only timidly supported by government action to date, and more importantly, one threatened by certain regressive steps and failures to act during government's prior term of office.

Of course, today.... I want to congratulate the government for reversing its position from its time in opposition on this matter, when it opposed the tobacco lawsuit. The courageous actions of a prior government in the '90s in pursuing big tobacco for damages have now been endorsed by the Supreme Court, because this government chose to continue the lawsuit. That's a worthy endeavour by government and one which we obviously support, our predecessors having commenced that action. But while it will offset some of the costs to society of tobacco-related disease, it will not reduce the scourge or the threat to future generations of our kids one bit. That requires action on other fronts.

First, by restoring the innovative and highly successful mass-media campaigns to discourage smoking that were fielded in the '90s, along with the secretariat and appropriate levels of funding to make the program operational — an initiative that was dropped, and a program and a staffing commitment dramatically cut during the darker days.... Currently, British Columbia's annual tobacco control budget represents less than 1 percent of the \$699 million in tobacco taxes collected in '04-05, which is far below that allocated as a share of revenues in the '90s, when taxes were lower and more was spent on tobacco control. The media program is desperately needed in order to counter the existing social norms related to tobacco, to deglamorize it on an ongoing basis and to counter the persuasive and subtle effects of big tobacco's advertising.

[1635]

Another decision that needs reconsideration is the permitting of designated smoking rooms. A policy of 100-percent smoke-free restaurants and bars is becoming the norm across the country, and B.C. now lags behind the leaders. Let's lead again.

Other initiatives recommended by the Cancer Society are also worthy of consideration. Increased tobacco taxes would easily finance a comprehensive strategy that would bring results and, in and of themselves,

would reduce the incidence of new smoking. Tobacco availability could be further curtailed while its visibility and prominence at point-of-purchase could be dramatically diminished. Cessation programs could be made available through doctor referral as part of MSP-funded activity.

Madam Chair, if all these initiatives were added to the well-intended statements we hear around ActNow — that is, if we collectively did, indeed, commit to act now on this scourge — there's no doubt we could make significant progress towards our objectives, objectives that I believe members on both sides of the House generally support, but it requires political will to take the appropriate steps.

This bill represents a commendable action to improve upon an existing program, and it deserves support, but it is only a small step in the right direction. We need to do much more and can do much more to wrestle tobacco addiction to the ground.

M. Farnworth: It's a pleasure to rise and speak to this bill, because it is something that I think is of importance to most British Columbians. It's something that the opposition has said it supports. I'm speaking not just in the capacity of the member for Port Coquitlam-Burke Mountain but also as a former Health Minister. Like my colleague the current Health Minister, this issue is probably, in terms of preventative health in British Columbia, one in which, as a province, we can have a larger impact than just about on any other health issue. It is the biggest killer. It is the biggest cause of cancer in this province, and it is also the one that is most preventable.

My colleague the member for Saanich South has talked about the issue in terms of where our party stands and the opposition stands in terms of the questions we have around the bill and in terms of supporting the bill, but there's an area in this bill that I just want to touch on. I think it is something that we need to focus on, the government needs to focus on, and that is around young people — in particular, teenagers — and their attraction into tobacco use.

As tobacco companies well know, old smokers die. They need a new crop of smokers to keep the industry going. So it's from young people. The minister talked about the statistics about British Columbia having the lowest smoking rate in the country. That's true, and that's an admirable position that we have right now, but it's something we need to maintain.

There are some very disturbing trends, however. The fact is that in the case of young women and teenaged girls, they are more likely to take up tobacco use than boys, and they are the fastest-growing group of users. That is something that we need to be extremely concerned about.

So this piece of legislation, hopefully, will allow for us to monitor more closely, to have more ability to deter use. But I also think the government needs to realize that while this measure is great and it's one that we support, we need to become more aggressive and continue to be more aggressive in terms of focusing pre-

ventative measures, ways of reaching young people — in particular, young women and teenaged girls — on the dangers and hazards of tobacco use. The sad fact is that men die of lung cancer, women die of lung cancer, but women tend to die of lung cancer earlier. They contract it earlier, and it is often more aggressive. That is a fact that young people don't seem to understand.

So we support this bill. We support the measures that are contained in the bill, but we would also encourage the government to be more proactive and to invest more in terms of anti-tobacco campaigns with young people.

With that, hon. Speaker, I will take my place. We will await the comments of the next member.

J. Horgan: It's a pleasure to participate in this debate today on a piece of legislation that I support wholeheartedly.

[1640]

As a former smoker, I am delighted to see government acting in this area. I know in the 1990s.... It's a decade of doom and gloom for many on that side of the House, but I'm certain...

Interjections.

Deputy Speaker: Order, members, please.

J. Horgan: ...the Minister of Health would acknowledge that great strides were made in the 1990s on this front, and I'm pleased to see that his government is picking up the ball and carrying it a little bit further.

The challenge with addictions of any kind, whether it be nicotine, alcohol, any other substances, is that it's a direct target on our young people. That's why this legislation is so important, that's why I support it, and that's why it's a good step on what we were doing in the 1990s.

Again, I see the Minister of Agriculture smiling in support of my comments that the 1990s were a positive time in this area. There was a good deal of activity done. Certainly, the Attorney General would endorse that as well: strong steps taken to curb the strength and might of the tobacco industry. I certainly feel that this government has done a commendable job in carrying on the work done in the 1990s.

With that, I just want to conclude by saying that I do support this legislation. Any way that I can assist the Minister of Health and anyone on that side to reduce access to this toxin and killer of young people and old people alike, I'm happy to do so.

Hon. G. Abbott: I appreciate the comments that have been made by members of the House in respect of the second reading debate on Bill 12. I appreciated the thoughtful comments and certainly agree with many of the sentiments expressed.

For those of us who grew up in the 1960s and 1970s and often took up smoking with not a lot of thought about what the health consequences would be for ourselves, I think we probably, perhaps, appreciate more

profoundly, those of us who were smokers, just how damaging this can be to young people and how addictive it can be to anyone who takes up the habit. The most important thing we can do as a society is to provide vulnerable young people with whatever protection we can against the opportunities to take up this very destructive habit.

I'm delighted that all three of my kids have now got to the late teens, early 20s, and have never smoked. That's the case for many young people today, and I think society is the better for it.

I do thank all members of the House for their very generous comments, and I'm delighted that this is an area of public policy where I believe that both the opposition and government will work together very constructively to build a stronger public policy framework around these important issues.

Motion approved.

Hon. G. Abbott: Madam Speaker, I move the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 12, Tobacco Sales (Preventing Youth Access to Tobacco) Amendment Act, 2006, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. P. Bell: I call committee on Bill 4.

Committee of the Whole House

AGRICULTURE AND LANDS STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 4; S. Hawkins in the chair.

The committee met at 4:45 p.m.

Section 1 approved.

On section 2.

B. Ralston: Could the minister explain the justification for the addition of sub-paragraph (c), "Another member of the executive council"?

Hon. P. Bell: Just before we get started, I'd like to introduce and acknowledge my assistant deputy minister for Crown land management, Warren Mitchell. Warren has been with government for a very distinguished 32 years under a number of different governments and actually will be leaving us in about ten days, I think. We will definitely miss the quality of work that he has done over that period of time. Just on behalf of this House and everyone, I'd like to thank him for his work.

The question the member asks, really, is the purpose of this bill. It allows me as Minister of Agriculture and Lands to delegate to other members of executive

council, other ministers, the authority to enter into land transactions in British Columbia. An example of that might be the Minister of Transportation entering into a land transaction with regards to an airport or a port, which would now fall underneath his responsibility since the recent restructuring of government last June.

B. Ralston: Presumably, airports and other public works were constructed without this amendment, so perhaps the minister could explain why the amendment is necessary at this time and why it's brought forward at this time.

Hon. P. Bell: It reflects the reorganization of government that was done last June.

B. Ralston: Well, the government is no stranger to reorganization. Reorganization, as I'm sure Mr. Mitchell will tell you, is perhaps a constant in the life of government.

I'm not clear what the minister means when he says that it's due to a recent reorganization. Presumably these things occur, as I've said, on an ongoing basis. Why has this particular reorganization occasioned the necessity for this particular amendment?

Hon. P. Bell: The purpose is actually to streamline the process for any Crown land transactions. One of the objectives of this government has been to attract industry and business into the province. We've been reasonably successful with that, as is evidenced by the unemployment rate and the growth in gross domestic product in the province. Clearly, this is a simplification process to eliminate the requirement for one minister to come to me and request that I approve a transaction that could easily be done through a different member of executive council.

It's important to note that I've had the ability, or the minister responsible for the Land Act has had the ability for some time to delegate authority to other individuals within government — senior civil servants and statutory decision-makers. This simply extends that authority out to different members of executive council, and for those watching who don't know what executive council is, that would be cabinet.

B. Ralston: Will this lead to the fragmentation of the sale of land throughout all ministries of government, potentially, and therefore to much more difficulty in keeping track of individual land sales?

[1650]

Hon. P. Bell: One of the great things about having a senior civil servant who's been around for a long time is that he can give a very full answer, and I'm trying to contract it down just a touch.

But the simple answer to that is no. The process for identifying Crown land transactions, be it leases or sales, will continue to be the same as it has always been. The statutory obligations for identifying those sales remain. It will simply be a process that will elimi-

nate one of the steps in a transaction requiring a minister — we've used the Minister of Transportation as an example — requesting myself to sign off on that transaction. We think it will bring continuity to the transactions. Rather than having clients deal with multiple ministers, they can deal with an individual minister instead.

B. Ralston: Can the minister give examples of other ministries where this amendment might come in use?

Hon. P. Bell: The Ministry of Tourism, Sport and the Arts could enter into transactions revolving around resorts, and the Ministry of Forests and Range could enter into different forms of range tenure.

C. Evans: Hon. Chair, before I stood up to talk here, I went to the library to read the words that are being deleted in the 1996 version of the Land Act.

What the minister says is quite right. Essentially what's happening here is that we are changing legislation which has said either the minister responsible for the Land Act or an employee of government has to sign off on the sale of a piece of Crown land. This legislation will allow this minister, the minister responsible for the Land Act, to delegate that job to any other member of the executive council at his or her choice. Is that correct?

Hon. P. Bell: That is correct.

C. Evans: I just think this is a moment of perhaps.... I mean, it looks like a tiny little bureaucratic change and nine words disappearing. It feels to me like a moment of fairly monumental folly. I would like to explain to the minister how it looks from here and have the minister give me some comfort and help me understand why I'm confused and think that what is just a bureaucratic step is, in fact, folly.

Hon. Chair, in British Columbia we are hugely gifted — our generation, yours and mine — in that people who worked in this building in previous generations managed to sustain the idea of the Crown, the idea of collective ownership in British Columbia. I think at this point we own something like 88 percent of the land base. Maybe the minister could verify whether or not that's true.

Hon. P. Bell: That is actually incorrect. Rather than getting into a number-guessing game, I'll just identify it for the member as 94 percent.

C. Evans: That's what I wanted to know. Okay, great — 94 percent. That makes my point 6 percent more real.

[1655]

Throughout all the time of the governments that managed this idea of Crown, the minister responsible for the Land Act became a kind of elevated persona — not quite judge. But the minister responsible for the Land Act.... All land has value — to a logging company, to a tourist operation, to a heli-skiing operation,

to a salmon or sport fishing operation, to a mining company, to another ministry or to first nations.

All of these competing land values resolve themselves not in the partisan nature of politics and not in the stovepipe nature of the ministers of the Crown responsible for advancing a file, but in this quasi-judicial individual: the minister responsible for the Land Act. We would appoint people to that position who could hear various points of view — first nations' points of view, industrial points of view, the general public's points of view, and all of their fellow ministers at cabinet's points of view — and judge, from amongst those options, the wisdom of the Crown: "What is the benefit for the Crown?" And by the "Crown," I take it to mean future generations.

If we delegate that to a civil servant — as the historic bill, the Land Act of 1996, suggested — the civil servant is still acting on behalf of the minister responsible for the Land Act. That's true if the minister becomes the Minister of Agriculture or for anyone else chosen by the Premier to be responsible for the Land Act. The civil servant still answers to this elevated persona: the minister.

Once we make this change, I think we change the responsibility for the disposition of Crown land to a minister who actually has a job to advance a file, not at all the quasi-judicial role of gauging between various interests and deciding what's best for the people. But if we delegate it to the Minister of Tourism, then the Minister of Tourism would say: "In the case, say, of Jumbo Resort, okay, we want to sell this land to this individual." If we delegate it to the Minister of Transportation, and there's a highway: "Okay, let's sell this to build the highway or an airport." If we delegate it to the Minister of Forests, he'd say: "Oh, you know what? We need a log dump here. Never mind first nations values or salmon fishermen or all the other interests. We need a log dump." Because that individual would be the Minister of Forests, and of course he'd be advancing a file.

The function of an executive council is really a balance point. Even when I disagree with their partisan positions, I hugely respect the fact that there are 15 or whatever around a table. They are, essentially, acting in balance for the Crown. That's the essence of democracy. We change this to say that it's not the executive council, through the minister responsible for the Land Act, but any minister he chooses, and we essentially say that from now on, the idea of the Crown disappears. It will be replaced with what the minister has just told us is essentially the business interests of removing regulation and speeding the development of the province. That's a moment in.... Never mind what I think.

I wonder if the minister would please explain to me if there's anything in what I just said which is not true. If he agrees that the balance at executive council is being removed by this legislation, how would we then put that balance back in once he changes the law?

Hon. P. Bell: I've never actually considered myself to be an elevated persona, but I appreciate the member

for Nelson-Creston identifying me as that. I'll have to put that down in a historic memory somewhere. That may pass as well.

I might direct the member to some of the wording in section 97(1): "(1) The minister may delegate in writing, on the terms and conditions the minister considers appropriate, the power to act on the minister's behalf respecting any of the minister's powers or functions under this Act...."

If I delegate authority as minister responsible for the Land Act to any of my cabinet colleagues, I can delegate to them, or I can put terms and conditions on that individual minister, and that member of cabinet will also be obligated to act under the Land Act with all of the other conditions and terms within the Land Act as well.

[1700]

So this is not a passing of the torch, as the member has indicated, to a member of the Ministry of Forests — as an example the member used — where the minister would no longer have to factor in all of the other conditions of a particular transaction to ensure that it's done in a balanced way as the member identifies — quite rightly so. The cabinet member would have all of those same obligations, should they be delegated forward. I think this is just simply a process that should simplify the development of different sorts of land tenures in the province, and certainly we see it as a progressive step.

C. Evans: I thank the minister for his answer, and I take no comfort at all from his answer.

Essentially, what the minister seemed to be saying was: "We're going to delegate it to a member of the executive council to speed things up, but we still have the right to make all of the same terms that we would have when he, under the 1986 legislation, could delegate to a civil servant." If all the terms and conditions are going to exist for the civil servant, then there is no speeding-up for having it be a member of the executive council.

Why the minister would want to apply the patina of politics by giving the job to an elected person instead of to a civil servant, and then still apply all the terms and conditions of balance that were required historically, makes no sense at all. If you are going to apply the same terms and conditions that you would apply to the civil service to make a reasoned judgment on the disposition of Crown land, then there is no sense to give it to an elected person.

Besides, it's contrary to what I think I heard the minister say, which is that the whole function of this change of legislation is to speed things up. If you are going to apply the terms and conditions and speed it up at the same time, why couldn't the civil service do that? It makes no sense.

Maybe the minister could explain: if he is going to apply the same terms and conditions — to adjudicate, and for fairness and balance — to a minister of the Crown, then how could it possibly be any better than a civil servant?

Hon. P. Bell: I might point out to the member that although he doesn't think it's appropriate for an elected official to have responsibility for the Land Act, that actually that's exactly where it's delegated right now — to the minister responsible for the Land Act, which would be myself, in this situation.

C. Evans: I must have misspoke myself, because the minister thinks that I object to an elected official having this job. In fact I think.... I didn't mean to refer to this particular minister as an elevated persona. I meant that whoever has the job in the province of British Columbia, as the minister responsible for the Land Act, essentially clutches to their breast the people's wealth and the people's tradition and the well-being of future generations.

It is the job, not the individual, that I would argue is challenged to meet that objective when they become the minister responsible for the Land Act. I don't think that if you delegate it to the Minister of Transportation — as wonderful as that individual might be, as well-meaning, as lovely a person as the Minister of Transportation might be — that it is the same job as the minister responsible for the collective well-being, which is the minister responsible for land.

Interjections.

The Chair: Order, members. Order.
Continue, member.

C. Evans: So the minister misunderstood my question, and I'm going to repeat it — and, I hope, say it better. If the minister intends to apply the same terms and conditions that are a requirement for fairness and consideration of all interests to another minister of the Crown, then what possible benefit is there in speeding things up or timing or anything to his historic capacity to delegate this job to a public servant?

[1705]

Interjections.

The Chair: Members, order, please.

Hon. P. Bell: I'd suggest to the member that in fact all ministers of the Crown swear an oath that indicates they have to protect the public interest of the province. The same way the Minister of Lands would be bound by that oath — and the member will know; the member was on executive council at one point in time — each member of cabinet has that responsibility to protect the interests of each British Columbian and the Crown in general.

The notion that because a minister is the Minister of Transportation, that minister's only priority is advocacy for the interests of the transportation industry would, in my view, be inaccurate. We, as ministers of the Crown, have to provide that balance in all judgments and decisions, going forward. I think that really, I'm trying to get to the nub of the member's question. I hope that responds to it.

C. Evans: I would be interested, if the minister has the oath, if we could read it out here, because I'm wondering about the wording. I, one time, swore that oath. It is precisely because I had some of those jobs responsible for various portfolios that I understand that while you represent the Crown on executive council, the measurement of your success is your ability to drive files.

I don't think that the disposition of Crown land.... I think that Social Crediters or, I don't know, New Democrats — whoever it was — who originally put together the Land Act did not wish to have the disposition of Crown land constitute a measure of the testing of ministers to drive files. I know that the political culture, in this building and town and in the press and in political parties and perhaps in this province, measures ministers by their ability to "get stuff done." Sometimes the stuff you want to get done, the stuff that you're told to achieve to advance your job, is not necessarily in the best interests of the people of British Columbia.

[1710]

I'm going to say this into the record, hon. Chair. The worst moments I ever had in executive council — you might remember the times, hon. Chair — had to do with the disposition of a piece of land, not Crown land but zoned by the Crown, called Six Mile Ranch.

My measurement of integrity, honesty and political skill was measured by both sides of the House, the press gallery and the people of British Columbia about whether or not I had the capacity to advance that file. And in my heart I never thought it was the right thing to do. It was a job. That's how come I'm standing here, because I have lived the experience that divides, kind of, that grey area of moral judgment and your job on executive council in my life.

I do not think that the minister's proposed change in this legislation recognizes the fact of how we live, whether or not we swear an oath. The fact of how we live is that people are assigned to the chairs in cabinet to do a job, to advance files and get stuff done. Then they are measured over a year or a term of office by their ability to have achieved that. This change is going to feed the culture of what we do and denigrate the balance that the Land Act originally had.

Now my question for the minister is.... I've been standing here for 30 minutes attempting to explain my perception. Did this change...? Whether or not the minister agrees with my comments, did the possibility that this would change forever how we manage the Crown's land, in a negative fashion, occur to the minister prior to bringing this legislation into this House?

Hon. P. Bell: We take a balanced view of this legislation. We believe it's the right thing to do; otherwise I would not have tabled it and brought it forward. Certainly, the member will have the ability to vote against this section if he so sees fit.

C. Evans: I'm going to ask the question in a different way. Did the minister or the minister's staff or other folks at executive council have a discussion about this

change in legislation and its long-term implications on Crown land and ministers' ability to manage that land, prior to bringing this legislation into the House?

Hon. P. Bell: Let's be clear. This is a delegated authority. It means I can undelegate that authority at any point in time as well. It is not being statutorily removed from the minister responsible for the Land Act. It simply gives me the ability to delegate that authority, not just to a civil servant but also to a colleague in executive council.

Those are the nature of the discussions that we've had. We're very comfortable with the nature of this act, and we don't think it changes the dynamics of the act in any way.

C. Evans: One of the things that we live with in British Columbia — and, I think, unlike any other province in Canada — is that we have not, in the main, settled treaties here. The present government has made some agreements with first nations to attempt to recognize the absence of treaty and the importance of the consideration of first nations in dispensation of various government programs and especially land.

My question to the minister is: has this change in the Land Act been discussed with first nations people prior to bringing it to this House?

[1715]

Hon. P. Bell: This legislation was actually originally tabled last fall and then removed from the agenda. So the legislation has been around on the books for a period of time. It could be that some people have reviewed it during that period of time. There has been no direct consultation with any particular first nation group, but it's important to note that when you would engage with first nations is once you have actually delegated that power and once you actually plan to enter into a transaction. That's the appropriate time to go out and consult with the first nation and ensure that their needs are being met with regards to the particular transaction that is being entered into.

That has not changed. Again, it's a delegation. It's the ability to allow me to delegate that power out.

B. Ralston: Given that this amendment would permit the minister to delegate to the Minister of Aboriginal Relations and Reconciliation, is it contemplated that this power will be used to delegate authority to the Minister of Aboriginal Relations and Reconciliation, and in what context?

Hon. P. Bell: It is not contemplated; however, it would give me the authority to delegate to the Minister of Aboriginal Relations and Reconciliation.

C. Evans: I really appreciate the minister's forthcomingness in answering the question. Obviously, from the minister's response, this legislation was intro-

duced last fall. I don't think it bothered the government to put off passing it until now. We're gonna gather here again this fall. I don't think it would bother the government to lift it again.

Would the minister like, then — having told us that he has not had consultation with first nations, who claim just about 100 percent of all Crown land in the province — to now withdraw the bill for further consultation with first nations people and reintroduce the bill after consultation, perhaps next fall?

Hon. P. Bell: This bill simply allows for the delegation of authority. It does not impact the land base in any way, shape or form until that delegation has taken place, at which point it would be appropriate to enter into a consultative process.

[1720]

C. Evans: With all due respect, once again, I disagree with the minister. In dealing with first nations, we are dealing with the context of law. What the minister is saying to me is: "Oh, don't worry. We're changing the law to say that I can take a piece of land claimed by first nations people and delegate it to the minister responsible for tourism, who can then sell it to somebody to build a resort. But I may never do it."

In a democracy, the moment at which people are supposed to decide whether it's a good or bad idea is not when the rubber hits the road and you are actually selling a piece of land; it's when you are working in this building. What other thing are we getting wages for? It's to come here and make decisions about public policy, not individual pieces of land.

So I'm saying to the minister: I wonder if the minister would consider withdrawing this piece of public policy in order to consult with people who also claim that land about whether or not it is okay with them that he might someday delegate a piece of land sale to the Minister of Transportation or the Minister of Tourism or the Minister of Mines.

Hon. P. Bell: I think I've already responded to that.

C. Evans: It's absolutely true that the minister has responded. However, the minister has not answered. If the minister is saying, "No, I will not withdraw the bill and refer it to first nations people," then maybe he can put that on the record.

Hon. P. Bell: I'll try it one more time. Very clearly, the ability to delegate this authority does not impact the land base or first nations' claims in any way, shape or form. Once the delegation takes place and a transaction starts, that's the appropriate time for an effective consultation process to take place, and that's exactly what would happen.

C. Evans: I must not be very good at posing questions.

Will the minister lift the bill in order to allow consultation with first nations about the bill — yes or no?

Hon. P. Bell: This is going to be my last attempt at responding to this. I have already responded to it twice, so I won't try it a fourth time.

What we are attempting to do in this amendment to the Land Act is to allow me, as the minister responsible for the Land Act, to delegate authority. That in itself does not put an onus on me to consult with any particular first nation until a transaction is engaged in and moved forward, at which point there would be a consultative process required. So it would be inappropriate for me at this point in time to lift this act and delay it any further. It would be appropriate to allow it to go forward.

B. Ralston: The minister referred to the desire or the purpose of the legislation to expedite the disposition of Crown land in connection with government projects. Now, in the present act as it stands and in the new one, if it were to be amended, section 97(1)(b) refers to a government corporation as defined in the Financial Administration Act. There was such a government corporation, Land and Water B.C., which was specifically constructed and designed to expedite the sale of Crown land. That experiment apparently wasn't successful. Land and Water B.C., as the minister is aware, was wound up in the fall of 2005.

[1725]

I'm wondering why this particular amendment will expedite the sale of land to assist government projects in a way that Land and Water B.C. apparently didn't.

Hon. P. Bell: I'm actually glad that the member has brought up the question of the old Land and Water B.C., because I think that explains the body of this legislation in a pretty effective way. When LWBC was wound up, it was moved into a number of different ministries. There were different components of LWBC that went to the Ministry of Tourism, Sport and the Arts, into the Ministry of Environment and retained within the Ministry of Agriculture and Lands. This delegation authority kind of follows those lines in terms of allowing me to appropriately delegate the authority specifically for Crown land transactions in those situations in a way that meets the same sort of framework that LWBC used to follow.

The member should know as well that, of course, Land and Water B.C. has been re-formed into the new Front Counter B.C. It's a new initiative that is working very well in Kamloops. We're pleased with the model there and plan to expand that out over the coming year.

So it has been, I think, a positive experience. Front Counter B.C. simply is expanding on the old Land and Water B.C. I appreciate the member pointing it out, because it really does demonstrate the alignment of the responsibilities here.

B. Ralston: With respect to the minister, I don't think that really answered the previous question. The issue that the....

Interjections.

The Chair: Order. Could we just have the background conversations lowered, please.

Continue, member.

B. Ralston: Thank you, Madam Chair.

With respect to the minister, I don't think that answers the question. The proposition is being advanced that this particular amendment will expedite the sale of land by the Crown. Land and Water B.C. was such an attempt — a government corporation specifically set up to do that. That experiment apparently ended in failure, so I'm wondering what this particular amendment will accomplish that Land and Water B.C. will not.

I'm specifically focused on what the minister has said the purpose of this amendment is: to facilitate the sale of Crown land to expedite projects, either public or private, that the government supports.

[1730]

Hon. P. Bell: I'd just like to start out by highlighting that actually Land and Water B.C. had a tremendous amount of success. There was a significant reduction in the turnaround time on transactions, and there was very much a shortening of the backlog. I don't have that information here. I think we canvassed that at estimates last fall, if I'm not mistaken, and certainly I'd be happy to engage in that discussion at an appropriate time as well.

This is not about selling more land. This is about simplifying the process and eliminating the requirement of another minister of the Crown that is sworn into executive council having to come and ask me for permission to engage in a land transaction, whether it be a lease or a form of tenure or a Crown land sale.

The critical part of this is the expectation of the business world that they get to an answer. It's not that the answer is yes. The answer might be no, but they want it in a timely fashion. Our Premier often says that it's great to get yes, but if you're not going to get to yes, let's get to no and get to no quickly as well, because that's an appropriate mechanism to have and certainly encourages business.

This is not about selling more land or transacting more land. It's about simplifying the process and my ability to delegate to another cabinet colleague.

D. Chudnovsky: If I could just turn back to the question of consultation with first nations very briefly....

Interjections.

The Chair: Members, could I get the background conversations lowered, please. It's hard to hear.

Member, continue.

D. Chudnovsky: Just back to the issue of consultation with first nations very briefly. The minister indicated previously that it was his view that should the amendments before us pass, then the appropriate time for consultation with first nations, were there to be a potential land transaction, would be at the time of the

transaction. Does the minister not see a difference between consultation under the aegis of the Minister of Transportation, Minister of Economic Development, Minister of Mines — between that kind of consultation at the time of a potential transaction — and a consultation now with first nations about the proposition that these land transactions might be delegated to individual ministers?

The point I'm trying to make is that it seems, at least to me, that there is a difference in quality between those kinds of consultative processes. I would just add to that, very briefly, that were there to be a land transaction proposed under the current provision, it seems to me, at least — and I'm interested in the minister's point of view — that, too, would be a different kind of consultation. If one were to compare consultation under the current provisions with first nations about a potential transaction, it seems to me a consultation under the authority of the minister responsible for Crown land is quite different than one that is under the responsibility of a particular minister with a particular file. I go back to the comments made by the member for Nelson-Creston previously. What I'm seeking is the minister's response to that proposition.

Hon. P. Bell: Let's be clear. Each minister would have the identical responsibility for the consultative process. That is the duty of the Crown. That's clearly defined in case law already, and the Crown takes that very seriously. Whether it was the Minister of Agriculture and Lands that was entering into the engagement, the Minister of Transportation or Minister of Environment — whoever it happened to be — we would have the same statutory obligations, and each of us would execute on those obligations in a similar way.

[1735]

C. Evans: The minister has twice said that the necessity of this law is to speed up the process — business efficiency. I think the last time he answered the question, he said: "...to avoid some other minister having to find himself in order to agree to some delegation of Crown land."

So my question is: has the minister ever had the experience where a file was slowed down while another minister attempted to find himself?

Hon. P. Bell: It's hard for me to respond directly to: is there a specific file I'm aware of where there has been a time delay in the transaction? The member should understand that this is, again, intended to allow us to delegate to another member of executive council the responsibility for entering into transactions.

It is not just about big businesses. This is about little ranchers being able to deal with a range unit at the Ministry of Forests and engage in that transaction. It is about all kinds of other small operations, as well as large ones, and it is about simplifying the stream so that when a rancher comes in — perhaps from the Kootenays, looking to engage in a new part of their operation — they can do it in a way that is seamless

and simplified and allows the minister responsible to sign off on that transaction.

[1740]

I appreciate that the member isn't keen on this legislation. I understand that he isn't. I respect that; that's fine. However, it's the view of the government that this legislation makes sense and will allow for a smoother flow of these transactions in a transparent way.

C. Evans: I'll take that to mean that this minister has never seen a case where a transaction was slowed down by another minister's inability to find himself. Is that true?

Hon. P. Bell: We are — as far as I can recollect here; it's been some time — actually debating section 2 of this bill. I'm unclear how the member's question would relate to that. However, I think I've already responded to the question, and it wouldn't be necessary for me to respond any further to it.

C. Evans: A new question, hon. Chair. One of the advantages of having a minister for the Land Act on the executive council is that the executive council acts as a kind of modifying influence on decisions of the Minister of Lands. All the other ministers can lobby that individual. Now, an example would be that municipalities, when there is a question of the dispensation of Crown assets that affect municipalities, lobby the executive council through the Minister of Municipal Affairs. My question is: has the UBCM been consulted about this legislation prior to bringing it here?

Hon. P. Bell: UBCM is not directly implicated by this act, and they've not been consulted.

C. Evans: One of the five great goals of the present government is to be one of the neatest environmental places in the world. I can't remember. What's the noun? Groovy. What do they want to be? One of the leading or something.... Anyway, it's going to be a wonderful environmental place, and of course, there are environmental groups that the minister works with all the time. Imagine how those environmental groups would feel about the Jumbo Pass situation or maybe some wild fishery operations off the Charlottes. I wonder if the minister has consulted with environmental groups about the passage of this legislation prior to bringing it into this room.

Hon. P. Bell: This is a pretty routine piece of legislation. It gives me the authority to delegate the responsibility for entering into Crown land transactions from myself to another member of the executive council. It's not necessary to engage in broad consultation through that process.

C. Evans: I get it that the minister thinks that my position is not defensible and maybe even funny. I accept that the minister believes that he's doing a procedural thing here. I've been trying to make a point which I think maybe the gentleman who has worked

for government for 30 years would understand. A fundamental change in how public policy is advanced in the executive council of the province of British Columbia having to do with Crown land is happening right here in this room.

[1745]

We have learned in the last few minutes that first nations who claim that land have not been consulted. The primary organization representing municipalities and regional districts in the province has not been consulted, and environmental groups who speak for the land base have not been consulted.

My last question is: now that all members on all sides understand that this piece of legislation may possibly change how we do business and no one affected by the legislation out in the general public has been consulted, will the minister consider lifting the bill, engaging in a public consultation and bringing it back in the fall?

Hon. P. Bell: As I indicated earlier, the bill was originally tabled last fall. It's been out in the public realm for quite some time, and there's been virtually no feedback on it. So I'm happy with the way it is. The member will have an opportunity to vote against this section and any other components of the bill if he so chooses.

Sections 2 to 5 inclusive approved.

Title approved.

Hon. P. Bell: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 5:46 p.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

AGRICULTURE AND LANDS STATUTES AMENDMENT ACT, 2006

Bill 4, Agriculture and Lands Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

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

Hon. B. Penner moved adjournment of the House.

Motion approved.

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

The House adjourned at 5:48 p.m.

PROCEEDINGS IN THE
DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF
CHILDREN AND FAMILY DEVELOPMENT
(continued)

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

The committee met at 2:55 p.m.

On Vote 19: ministry operations, \$1,234,026,000 (continued).

M. Sather: I wanted to ask a question to the minister about the Success By 6 program, which is there to support families with young children. The program is a partnership with the ministry, non-profit agencies, credit unions and private businesses.

People that I've talked to in the program are telling me that 25 percent of children who enter kindergarten are not prepared, are not ready, by the time they arrive. So their program is working to reduce the vulnerability of children by 50 percent over the next ten years.

The question that has been asked of me is.... They don't seem to see a line in the budget renewing the funds for this valuable program. I'm wondering if the minister could respond to: how much money is going to be allocated this year to Success By 6, and over what period of time would the money be allocated?

Hon. S. Hagen: This responsibility actually falls under the minister of state, but I don't mind dealing with it. The money that was allocated to Success By 6, which I agree is a good program, was one-time-only funds, which is why you don't see a line in the budget for it this year. However, we are looking at whether or not there are any opportunities in what we call one-time-onlys at the end of this fiscal year. I don't have an answer for that yet, but I agree with you. I think it's a good program.

I was recently up at Home Depot in Courtenay where they had a group of kids who were building.... I think they looked like birdhouses. Anyway, they do good work. If there is any opportunity there, then we'll certainly consider it.

A. Dix: It's a pleasure to start again in the afternoon session with the minister.

The minister and I, some months ago — the last time we were in estimates in November — discussed at some length issues around Woodlands survivors. I know this is certainly an issue for all of us who met with Woodlands survivors — who've worked with them and met with them. It's an issue that is of great importance, of great historic importance to our prov-

ince. There's a tendency, I think, for all of us.... There are some issues that are partisan, some issues that aren't partisan. This is an obligation that all of us hold to Woodlands survivors, as citizens of British Columbia.

The minister will know that there was a report by the former Ombudsman, Dulcie McCallum — which spoke of systemic abuse, a conclusion and then asked for further inquiries to be made of you — that was essentially rejected by the government. The government did offer, given the number of survivors of Woodlands and Tranquille and Glendale and Endicotte Centre, a \$2 million fund years ago now. The minister will know this.

[1500]

I just heard news of someone I'd met not long ago at a meeting of Woodlands survivors, who passed away. It's now been years since a small \$2 million fund was set up to assist Woodlands survivors.

First of all, I want to ask the minister, just to start on this: what is the update on that fund? It seems to me that last fall the minister and I agreed that it had taken too long — setting aside all the legal issues, because I'm not asking about those issues but just about the fund — that it had been way too long to see that money flow; that the issue had not been well managed by the ministry, which I think is a fair comment.

I think it's a fair comment in the sense that a court case was brought and a new process had to be set up. So the process was bungled. That having been said, here we are. We're years later. It doesn't really matter in a sense whether the process was bungled, I suppose. What matters is that people are still waiting. I wanted to ask the minister just where we're at on this. Maybe he can give us kind of an update on where we are with respect to the trust fund.

Hon. S. Hagen: I very seldom take offence at what my critic says, but when he accuses the ministry of bungling this, he's totally inept and incorrect. It bothers me to say that, but I'll tell you something. This has been a very frustrating file — okay? — and what's made it frustrating is the lawyers. It's not the ministry that's made it frustrating. It's the lawyers that have made it frustrating, and he knows that. The member opposite knows that as well as I know it.

Now, having said that, we think that we're on track to be ready, and we hope to disburse cheques this spring. But this has been tied up in legal wrangling for months and years, and he knows very well that we can't bypass the courts. When somebody brings a court action, we have to proceed with that. When somebody argues about the terms of reference, we have to negotiate or settle that legally. As I said, I'm advised by staff that we're very close to start to distribute funds, but this has been not through any lack of action by the ministry staff.

A. Dix: Court cases, of course, don't come out of the ether. In fact, there have been some successful court actions in this regard with effect to mistakes made around the terms of reference.

When the minister talks about... I don't know; he's complaining and talking about lawyers. It wasn't lawyers who rejected the main recommendations in the McCallum report; it was the ministry and government. Fair enough, they're allowed to do that. They're elected. That's their responsibility and role. But we have a disagreement on that. That wasn't lawyers; that was the government. The government decided that the only response to the McCallum report was the \$2 million trust fund, and the money hasn't flowed.

I would like to know, aside from the minister's general attack on lawyers, whether....

Interjection.

A. Dix: I suppose the minister says it's a general attack on me. That's good news. This is a serious issue. I'm talking to people. I'm taking it seriously.

Interjections.

The Chair: Member, please make all your comments through the Chair.

A. Dix: Okay. Hon. Chair, I think that actually applies both ways.

With respect to the fund, the question is very simple. People are waiting for a decision around the fund. What can the minister say about that? One of the issues between Woodlands survivors and the government was a substantive issue about what the moneys can be used for. Where are we at on that issue?

Hon. S. Hagen: Mr. Chair, let me apologize to you for my attitude to the member opposite, and I apologize for ignoring you in my responses.

There's a final meeting, we think, on March 31, which we think will resolve the outstanding issues. We hope cheques will be issued very shortly after that.

[1505]

A. Dix: Is it the view of the minister that Woodlands survivors should be able to use this money for whatever purpose they see as right? Or is it the view of the minister that they should be able to use...? These are the questions that they're asking, minister. I suppose you could, presumably, attack them if you feel like it. In fact, in this case, is the minister taking a position with respect to how the money should be used?

Hon. S. Hagen: The funds, as the member knows, reside with the Victoria Foundation. I'm told that when the cheques are issued to the survivors, they have discretionary use of those funds.

A. Dix: I thank the minister very much for that answer.

I wanted to just go on to an issue that's been raised, and it's a really difficult issue for a lot of people at Woodlands. I appreciate that this isn't entirely within the minister's purview. It is, in part. But it's the whole issue of the cemetery and what's happened there.

None of this is, because with respect to the whole issue of abuse, we're talking about a history in British Columbia of many governments, many systems over a long period of time. This is not one party's legacy, but our legacy collectively.

I wanted to ask the minister. He's seen, I think, some of the information. There are real concerns around the protection of the cemetery site and what's happened on the cemetery site. I understand that grants have been given with respect to a memorial, and I just wanted to ask the minister where he was on those issues.

Hon. S. Hagen: I understand that the Ministry of Children and Family Development is the client ministry. It's the Attorney General's ministry that is actually involved with this.

A. Dix: I just have some specific questions now with respect to a number of issues on the child protection side of the ministry.

I wanted to start by asking the minister, with respect to section 8 kith-and-kin agreements, if he can update the House — the Legislature — and this committee as to how many active kith-and-kin agreements there are. And what is the evolution in terms of numbers of kith-and-kin agreements over time?

[1510]

Hon. S. Hagen: The number of kith-and-kin agreements at month-end January of '06 is 99. The percentage of change over last month-end — that's December of '05 — where there were 90, is a 10-percent increase. The percentage of change over January of '05 — a year previously — where there were 113, is a 12.4-percent decrease. I'm told that there have never been more than 150 at one time. To put this into context, it's important to know that we have roughly 9,100 children in care at the present time.

A. Dix: Is it the case that there were approximately 160 kith-and-kin agreements in April 2005 and that the reduction of the number of kith-and-kin agreements has been, in a sense, almost 40 percent since April 2005?

[The bells were rung.]

The Chair: I'll declare a recess until the division is complete.

The committee recessed from 3:12 p.m. to 3:23 p.m.

[H. Bloy in the chair.]

On Vote 19 (*continued*).

S. Simpson: I'm pleased to be back, and I apologize I didn't get back late in the morning, as I said I hoped to. But I do hope the minister has had a chance to get information on some of the questions I asked him earlier. Maybe I'll just ask the minister to comment on this.

Hon. S. Hagen: At least the first answer I'm going to give you is with regard to the B.C. Aboriginal Network on Disabilities. Is that one you asked?

Interjection.

Hon. S. Hagen: Okay, it was the friendship centre that you asked.

S. Simpson: Yes.

Hon. S. Hagen: Okay. I'm not sure. Can I take a short recess?

[1525]

I apologize to the member. I was looking at another answer, which he probably wouldn't have appreciated for this question. But sometimes they are interchangeable, as you know.

The Vancouver Aboriginal Friendship Centre is designed, as I'm sure you know, to be an aboriginal representative, under the act, in protection hearings. They receive notice of protection hearings where there isn't a board rep. They provide advice about local services and ensure referral or access to counsel. There's no ongoing casework that they do for the ministry.

Their contract amount — and you're correct in saying it was \$30,000 — is based on actual numbers of preceding years — in other words, the actual number of cases they dealt with. However, it's monitored regularly to determine whether or not the resourcing is appropriate. If they end up doing more work, then they would be compensated accordingly.

S. Simpson: I appreciate the answer. My concern with this is that while I know that they don't do casework from the perspective of the ministry, it is my understanding that a key piece of the work that they do is the relationship with the family, liaising with the families and ensuring — not as an advocate per se but as the representative — that the family understands what's going on, that the family is as engaged as possible in the discussions around the apprehension or around whatever the action is that's going forward.

My sense is that it does require, certainly, a commitment of time. The \$30,000, I'm told, is paying for roughly 20 hours a week. A halftime staff person is what they are getting for that amount of money. The question I have is whether the ministry believes that's adequate.

The other point I'd make is that when I asked the executive director at the friendship centre.... When he discussed these matters with me, I asked him: "What are you looking at in terms of referrals that might come to the friendship centre over a given period of time?" He told me that they inquired of, I guess it was, the director of the aboriginal services branch and were told that they might expect approximately.... Some 50 referrals per month would be the average. If we're talking 600 referrals a year, or upwards of that, at 20 hours a week of time, I am concerned about whether those are sufficient resources to do this.

Hon. S. Hagen: I would like to read into the record, from the contract, just what the agreement is.

Upon the receipt of court documents, the friendship centre will contact at least one family member from each file to introduce them to the friendship centre, usually the mother or father, as well as the social worker involved with the case. The contractor will advise each family member and the social worker of what the role as the designated representative of the aboriginal community is.

The friendship centre will assist families by providing them with information regarding pending court dates. Some families are not aware of expiry dates, support and information on aboriginal service providers and other agencies providing services to aboriginal people. If necessary, the friendship centre will review interim cultural plans of care and objects to signing consent forms.

It is a referral service. They don't do casework, and the numbers that you quoted would indicate to me that it's about two an hour, or that they would do two an hour. I have no information, or at least I've not been given any information, that would indicate that they are complaining about the \$30,000. If they are, I'm happy to meet with them, or any staff member would be happy to meet with them, if that's an issue.

S. Simpson: I'm pleased that the minister has made that offer, and I will inform, certainly, the executive director. I did meet with the executive director of the friendship centre, and they are very happy to play that role at the friendship centre. But they also are concerned now as they look at the scope of the work.

[1530]

The executive director of the friendship centre is new. He's reasonably new on the job. He's been there a few months, and he's evaluating all of the programs in the centre. He's been evaluating this one, and he has expressed concerns to me — not about wanting to do the job but about wanting to ensure that they can do the job properly and that they have sufficient resources.

The concern that I have is: if what the minister is telling us is that those things that he mentioned on the list that are getting done.... Who does he envision works with the family to help the family through this? Because as the minister, I'm sure, will know, this can be a very daunting and very emotional situation for a family if a child is being apprehended — particularly if the family doesn't understand completely what's going on, why the things that are occurring are occurring and what the processes that are occurring are. If it's not the staff person, who is the halftime staff person? Who does the minister envision working with that family to support their interests from a cultural and community perspective?

Hon. S. Hagen: I appreciate the member's interest in this, because I also have an interest in this. This agency, the Vancouver Aboriginal Friendship Centre, would refer the child or the client or the family to another agency that we would fund to help the family through the particular time that they're going through.

S. Simpson: Maybe the minister could tell me: who would they refer them to? I'm not exactly sure who.

When I look at Vancouver, I look at the whole lower mainland. I think their catchment area is everything, excluding Langley, for doing this. I believe that they are the only aboriginal representative in that area. They have the responsibility for that whole area, I do believe — though I could stand to be corrected — so who would they refer to if they're not going to support the family on an ongoing basis?

Hon. S. Hagen: There would be an assigned social worker to the case from our ministry that they would work with, and I'm told there are a number of family support agencies in the lower mainland for referrals.

S. Simpson: I appreciate the minister's answer, hon. Chair.

Here's my problem. If you have aboriginal families who are in challenging times.... They then have their child apprehended by the ministry for legitimate reasons or whatever. They are then.... Quite honestly, many of those families are not going to believe that that social worker is their ally when it comes to dealing with these matters, because the social worker represents the institution that just took their kid.

Many of those agencies, and there certainly are agencies I know in Vancouver and elsewhere.... A number of those agencies have very good staff who can work very well, but what they don't necessarily have are culturally appropriate staff who understand aboriginal culture, understand some of those nuances and can make that linkage in the same way that an aboriginal worker can.

If you say — and if those agencies.... I know I've met with agencies in the community, and in Vancouver, who are working with aboriginal families. They tell me that if they have the ability to link to existing aboriginal organizations, service delivery organizations, and to link with an aboriginal worker, it makes it much easier for them to do the job in terms of what they do.

[1535]

If we accept that that is a preferred situation — to have that aboriginal worker there — then we're not talking about these people having a half-hour's work to do. We're talking about them being much more engaged in an ongoing process of ensuring that the family understands what's going on, that the family is engaged. And hopefully, you're heading for a positive experience for everybody at the end of the day.

The question I have is: who does that service? Who provides that service if it's not going to involve aboriginal workers in some way in an advocacy role? I just don't think the social worker cuts it in terms of being the advocate for the family.

Hon. S. Hagen: There's certainly one issue that we have agreement on: that is, it's better to have aboriginal social workers dealing with aboriginal people. As you know, the challenge is that we don't have enough of them. That's one of the discussions that I had with the

aboriginal leadership, and that is: we need to create mentoring situations or situations where elders are recommending to young first nations and aboriginal people....

I'm going to take another shot at lawyers here, because there was quite a thrust to get aboriginal people into law school. I understand that, because of the treaties and all of that stuff. But now, in order to help community-building — and just because it's the right thing to do — we need to see aboriginal and first nations youth looking at careers in social work, in education, in engineering and other professions that build communities.

Obviously, the first nations and the aboriginal leadership support that. The problem is we can't just turn a light switch and have that happen. It's going to take some generations to accomplish that.

Having said that, in the case of the friendship centre, the \$30,000 contract that we're talking about is one of the contracts that they administer. In the fiscal year we're still in, we funded them over \$7 million last year for programs that we support in the friendship centre. The other piece of the puzzle that I haven't mentioned in dealing with a specific situation is: the band that the family is a member of is always involved in the talks that take place and in the advice that's given. So there is a connection made between the friendship centre, social workers and the band.

We also work through delegated agencies, as you know, and there are some aboriginal social workers in delegated agencies. Some of you would know more about that than I do. It's a challenge, and it's a challenge that we need to continue to work towards to improve: that is, the number of aboriginal people in various professions.

S. Simpson: I appreciate the minister's answer. I agree with the minister that it is a challenge, and I appreciate that it's not.... As the minister says, you just don't turn the switch on and off and create a complement of aboriginal social workers who can, in fact, deal with those communities.

I would hope that the ministry has an affirmative action and an incentive program to be training aboriginal social workers to make sure that we deal with this problem on the longer term. In the interim, though, we have a situation. We have a situation that if the comments that I've received about the kind of numbers we're talking about in the lower mainland — some 600 referrals a year, 50 a month or so — if that number is accurate, that's a lot of kids.

[1540]

What I would hope is that the minister would look at increasing the support to bridge.... Maybe it's a transition move. Maybe it's not a forever kind of thing, but as the government moves to put those aboriginal social workers in place who can make the connection with aboriginal people at the community level in a way that's for all of their best interests — quite frankly, white social workers can't do it — and who can work in agencies, it's a good thing.

In terms of the minister's comment about the bands, that's true. But the thing that I know from my community in Vancouver-Hastings is, quite frankly, that there is a disconnect between the urban aboriginal community and the on-reserve bands. That disconnect is very real. I've had those discussions with the service delivery agencies, and as much as I wish that those connections and supports were always there, we know that it too often falls through the cracks between what happens on reserve with the bands and what happens in the urban aboriginal community.

I'll finish up here pretty quick and let the folks get back to other business. I would hope that the minister would give some consideration to, at least over a period of time, some expansion of that level of supports that just isn't there right now. Nobody's fault, but they're not there because the resources aren't there.

Maybe people like the friendship centre can fill a gap until we are seeing those social workers and those trained professional staff who still have a ways to go until they get there. I would hope that would happen, and I'm interested in the minister's comments about how we bridge some of those gaps at this point in time.

Hon. S. Hagen: There's nothing wrong with your point. It's a very legitimate point, and I agree with what you're saying. The challenge is getting there.

I just want to list some of the avenues that the ministry uses to network with the aboriginal community: e-mail distribution lists for the aboriginal government employees association; aboriginal organizations and services in B.C.; aboriginal recruitment agencies that we work with; friendship centres; band offices across the province; the *Native Employment Opportunities Newsletter*, the e-mail job boards *Turtle Island*, *Aboriginal Times*, *Inclusion Network*, *CAP Online* — publications which we advertise; *Windspeaker*; Aboriginal Nurses Association of Canada.

Also, we have other strategies underway. We're working with post-secondary institutions to increase enrolment of aboriginal students in child protection social work. We've attended the aboriginal conferences with the MCFD career booth, conducted research with aboriginal people to create more culturally sensitive hiring processes when staffing MCFD positions, and identified informal networks to advertise job postings with aboriginal people. Cultural aboriginal awareness training is being provided to ministry staff, and we're looking at job design and job qualifications through an aboriginal lens.

All of these things, I think, are important, but they're not as good as the answer of having aboriginal social workers dealing with aboriginal people. As we work, as we walk together down the path, as I talked about this morning, looking at aboriginal regional governance, these are all topics that we discuss with the leadership of the aboriginal people — about how we're actually going to get from here to there and do it successfully.

Your number of 600, for instance, in this particular friendship centre — that's high. But a more troubling

number to me is that.... When I look at the fact that we have roughly 9,100 children in care in B.C. and roughly half of them are first nations, that's not a success story.

I say that when I meet with.... I was up at the Prince George Native Friendship Centre, as a matter of fact, last Wednesday. When I meet with aboriginal people, I make a comment that what we've been doing for the last 135 years hasn't worked. We need to find ways to do things differently. That's what we're working with the aboriginal community to find, because their success is our success.

We talk about trying to increase our graduation rates, for instance. Well, as long as graduation rates in the aboriginal community are so low, it affects the rates that we're trying to improve.

[1545]

It's the right thing to work with the first nations and the aboriginal communities, to better things for them. We can't impose that on them, though. We want to work in partnership with them to get to where we need to get.

S. Simpson: Again, I appreciate the minister's comments, and I just have a couple of quick comments here around this and an ask and then I'll be done.

I appreciate all of the initiatives the minister spoke of that the ministry is looking to go forward on. I wish all of those initiatives well, and I hope they are incredibly successful. The reality, though, is that they are probably not going to bear fruit, most of them, until four or five years out, particularly the extensive training of academics and putting more professionals — building the capacity in those first nations communities so they, in fact, can be even more successful in working in their own communities. That's going to take a little time, and that's the way it is, and that's okay.

The problem I have is: what are we doing in the interim? When I look in my community — and I think I probably have the largest urban aboriginal population, in Vancouver-Hastings, of any constituency in this province.... I meet with those families, I meet with the representatives of those communities, and I know the struggles that they are facing. I know how difficult it is, and I'm sure the minister understands that when you get families and kids coming into Vancouver, it can be a pretty nasty place at times if you end up getting into problems. I know that it's true in lots of communities, but Vancouver is a pretty difficult place.

I would hope that.... As the minister said, the ministry can't fix this on its own. It has to work in partnership with the aboriginal community, and in the case of places like Vancouver, it's not working with the bands, per se; it's working with the urban aboriginal service providers and organizations. That's a bit of a different mix than the on reserve and the bands, as I'm sure the ministry knows.

So my ask on this case would be that the minister or their senior staff sit down with Daimen Johnson, who is the new executive director of the friendship centre. I've met with him a couple of times. He's a very impressive individual who is a huge asset to that friend-

ship centre, and I believe he's going to make it a much, much more successful place than it already has been. I have a lot of time for Daimen and the efforts he's making.

I would hope that you or your staff will sit down and talk about how to improve this situation and not be afraid to say.... Nobody is talking about a million dollars, but if it costs a few more dollars to do that, whether it's another half-time person....

I don't know what the answer is, but whatever it is, be prepared to sit down with that open mind and say: "Okay, how do we get there to make sure we're all doing a little bit better and filling the gaps for these kids and letting their families have a little bit more comfort that whatever is happening is truly happening in their best interest, and for them not to feel that they are being persecuted or picked on." I'm sure the minister doesn't want that to happen, and I hope he would be able to do that or have his staff do that soon.

Hon. S. Hagen: I really do appreciate the comments that you've made, and it's a huge challenge for all of us. I think 70 percent of the first nations population in the province is urban aboriginal, or off reserve at least, and it's a huge challenge to try and discover who speaks for them. But we acknowledge the challenge. We understand it. It's a case of trying to resolve it.

I just want to leave you with some numbers. It's not perfect, and we never will be perfect as a ministry, but we do focus on continual improvement. I mean, I didn't ask for this ministry because I thought it was a dead end for a career politician.

Interjections.

Hon. S. Hagen: I actually did ask for this ministry after the election, and I asked for it because I really think the ministry does good stuff. I think that we can do it better — that with all the reports that are coming in now, we can really improve on what the ministry does.

[1550]

I just want to leave you with some numbers, and this is both on-reserve and off-reserve first nations. Since 2001 we have shifted responsibility for almost one-third of aboriginal children to the delegated aboriginal agencies. In 2001 there were 542 children in delegated agencies; in 2005 that has increased by about two and a half times to 1,372. So it's starting to work.

But again, it's a case, as you said, of training up social workers — or in the case of teachers, training up teachers. The aboriginal community plays a very important role there because there are people in communities who have influence over young people. If the influence is.... You know what? Whether it's your granddaughter you're talking to or your son or daughter, we need more social workers in our communities, encouraging people to go into social work or education or engineering — any of the professions — to help build communities.

I have no difference with you as to where we need to get to, and I don't think I have much difference with

you as to how we're going to get there. As I said it before.... I'll restate it. I leaned over and talked to my deputy, and both my deputy and I are happy to pay a visit. I've done that all over the province.

N. Simons: I'm just wondering: what current training programs are available to people representing first nations agencies?

Hon. S. Hagen: I just want to talk to you a bit about the Caring for First Nations Children Society, which you may be familiar with. This society provides critical training to aboriginal social workers and board training for delegated aboriginal child and family service agencies, and also provides cultural training to non-aboriginal social workers.

The aboriginal social worker training project provides training to delegated social workers employed by the aboriginal child and family services agencies in B.C. The course is designed to meet the training needs of social workers who will be delegated pursuant to the act. In addition to this, of course, the aboriginal social workers get the same training as non-aboriginal social workers through their university degrees.

N. Simons: I'm sure the minister knows there are some social workers who go through that program without having gone through a bachelor of social work program as well.

I'm just wondering if the minister has any idea how many social workers have been trained in that program in the last year and whether the budget allocated to Caring for First Nations Children Society has changed over the last three years.

Hon. S. Hagen: I have the budget information for two years. I mean, I can get you the previous one, but the first year I have is '04-05, where it was \$819,000. And for '05-06, the one we're presently in, it's \$1,119,000.

N. Simons: Does the minister have any idea how many people that represents in terms of trained delegated social workers for the first nations agencies?

Hon. S. Hagen: We don't have that information with us, but we'll get it.

[1555]

N. Simons: I think that in respect of my colleagues, I'll allow them to do some questioning. If I have time, I'll come back later.

H. Bains: I have a few questions on fetal alcohol spectrum disorder — children with that condition. As I understand it, there was a support group called fetal alcohol support network group of B.C. This group had the expertise in providing support to the parents, teachers and many other agencies and social workers if there was a child that needed support to go through daily life.

Now, in correspondence from the minister to, I believe, one of the agencies, it says here that the ministry is currently in the process of finalizing plans to enhance support for children and youth with developmental-behavioral conditions, and their families. Then they mentioned a number of those things that they would be doing.

This, as I understand, was the only support network that parents, caregivers and the professional community had — had advocates attend meetings and provide expert knowledge in courts and had a 24-7 crisis line. That has been shut down, as I understand, since August of last year. Can I ask the minister to tell us what the minister or the ministry has replaced that service with?

Hon. S. Hagen: I'm going to defer to the minister of state for this, if you don't mind, because she actually has responsibility for FASD. We can take the question and get it answered, or when she's up for Childcare, she can be asked that. Okay?

H. Bains: Okay.

N. Macdonald: I'm going to ask about a specific case and then make it somewhat general. The case is.... I have parents in my constituency, Karen and Joe Cote, and they have a four-and-a-half-year-old named Brandon Cote. They're residents of Wilmer. Now, the potential of the child is greatly enhanced with programs that are funded by your ministry.

There are three areas where the family has been supported. One is with speech therapy. For three years the minister's area of responsibility has paid for speech therapy provided by the Rocky Mountain school district, and that has worked very well.

The areas of difficulty have been with physiotherapy and occupational therapy. That is subcontracted to Interior Health, and I think the bigger issue is just around the level of support. I know that staff in the region have worked on the physiotherapy and tried to find an answer to that. I know with the occupational therapy, there's still an issue. I think it does tie into funding.

In a general sense, the question I would have is: how do you assess appropriate levels of funding, and how do you make those changes? In the specific case, this is one that I know the outcome is something you would want to make sure worked out positively. I just want to bring it to your attention to make sure that you ask people to work on it. I know you're going to be receiving a letter from the mayor and council of Invermere as well — just bringing it to your attention again.

I leave that with you. If you would like to comment on the generalities of how you assess appropriate levels of funding, I would appreciate hearing that too.

Hon. S. Hagen: I appreciate the concern that you've expressed. Certainly, I'll have my staff follow up with regard to the specific instance to make sure that the child and the family are getting the services that they're entitled to.

[1600]

With regard to the broader question, MCFD has just established a new contract with the Interior Health Authority. There's been no reduction in funding for therapy services, but what's caused a bit of a glitch is that there is an occupational therapist vacancy, which means there is no occupational therapy service for children available in Invermere. But they are actively recruiting for a new therapist.

You're far more familiar with the potential of getting people into Invermere or into the Kootenays. I'm told that they are actively recruiting, and right now families have to drive to Cranbrook to get that service. The objective would be — because, as I say, there was no reduction in funding — to have a new occupational therapist, which would satisfy the needs.

N. Macdonald: Just on the details, I think part of the difficulty was around the cost of transportation. I'll give you a chance to look at the details. You'll get information on what the particular problem is. It does tie back to the level of funding.

Anyway, I thank you very much for looking into this. I appreciate very much the time that you'll take with this. I look forward to a successful conclusion.

Hon. S. Hagen: I just want to add to that that in Budget 2006 we've allocated \$36 million for children and youth with special needs. Part of the funding will specifically address the challenges of delivering therapy services for children with special needs in rural or remote areas. So there's another avenue.

Also, to encourage people to go to be trained as occupational therapists and physiotherapists, the government — as you probably know — provides forgivable student loans so that we can encourage people to go into those particular professions. The forgivable loan is for graduates who agree to practise in underserved communities, so that will work in the favour of communities like Invermere.

A. Dix: I just want to ask the minister, before we go back to where we were just before the division call, about a proposal around the B.C. centre for dialogue and learning. It's a proposal that's come forward from people involved in the community, a proposal on which I believe they've met with the minister at some point. He may want to... This may be another one where the minister can take it on notice and get back to us.

I think really what it is, is an excellent opportunity outside the process of the ministry to develop the kind of knowledge base we need to improve practice. It's a proposal that has come forward — I believe the ministry has received it — and I'd be interested in the response, perhaps later on.

To get back to where we were before we left, I'd asked the minister just as we were breaking.... My understanding is that the number of section 8 agreements — we talked about this prior to the break — in April 2004 was 160. I appreciate that some of the minister's

staff is not here, but I know this is certainly an area that we're both very familiar with.

In April of 2004 there were 160 kith-and-kin agreements. Now there are 90. That strikes me, given the overall size of the program, as an extremely significant decline in the number of section 8 agreements. I wanted to ask the minister to give me his assessment of why that decline has occurred.

Hon. S. Hagen: I have a piece of information here that I'm happy to share with you. It's a graph of kith-and-kin agreements since the beginning, since July 2002. It shows that it does peak in about April of '04 and then sort of goes up and down.

[1605]

With regard to numbers, I'm told that one of the reasons that there is a decrease in the number of kith and kin is related to the public attention that was placed upon the unfortunate and sad circumstances in Port Alberni. I'm told that this sometimes happens when there is a lot of public attention on a particular occurrence. It does influence how social workers react to situations. Whether or not this will be long term or medium term or short term, we won't know. We will have a better answer a year from now on that, but I am happy to share this with you.

A. Dix: I think, though, one of the most significant declines in that period actually occurred before a significant amount of public attention occurred. If you look from April 2004 to April 2005, there was a very significant decline during that period as well. And really, it bounced up a little bit from there, but we went from 160 in April 2004, to 120 by December, to 101 by the following April. Then there's a little coming-up, but it never really recovered from there. I don't think it's just an issue, because I don't think in that particular period there was a significant public issue around kith-and-kin agreements. I think that came later, for the most part.

The release of the directors' review occurred.... The directors' review was July '05. It's a question in terms of how the program's working. I guess as a follow-up, just in a general sense.... You know, sometimes we do focus on individual cases. I wanted to know — the minister hadn't done a really comprehensive review of the program in general — whether we're going to see such a comprehensive review coming forward.

I think that if, in fact, you address some of the issues and perhaps some of the deficiencies of the program, it might well be more used, and more effectively used. That's kind of the general question. There is some truth, I would expect, to what the minister says, but the most significant decline took place before all the publicity.

Hon. S. Hagen: Yes. I don't disagree with that. I think that there are probably a number of factors that do affect this.

What I don't know is how much focus the Hughes report is going to place on kith and kin. What I do know is that the child and youth officer is focused on

kith and kin and will be delivering her views on kith-and-kin agreements. But as a ministry, you know, we're supportive of kith and kin. To that extent, we're investing a million and a half new dollars in this budget in this area, because we — and I don't think you disagree with this — still think that the best place for a child is in the family or in the extended family. That's what the kith and kin does, and allows us to do.

A. Dix: On that question, because there was specific reference made to it. I think it was my favourite moment in the budget speech, because there was a specific reference made to adding funding in this area. It's my view — and it's a little bit of a disagreement and a criticism — that the government, while it professes to believe in supporting families, in fact hasn't given enough resources to those programs. The consequence of that has been negative, and negative sometimes to the families involved.

I wonder if the minister can describe — if he can't describe the specific proposals that the budget refers to — the timetable for how he sees that rolling out. Is it the plan with respect to that money? Clearly, there is a specific proposal attached to that request for money that was then announced in the budget. Is the decision around that money to provide new supports for kith-and-kin programs dependent on the Hughes report and the second or third Morley reports? Or is it a decision that's been made that the ministry is just proceeding with just to support that program?

[1610]

Hon. S. Hagen: Thank you, Mr. Chair. You've been here for a while.

With regard to the investment in kith and kin, I'll just see if I can figure out where you are going on this. The million and a half will be invested regardless of what any of the reports say, and it's broken down this way: \$500,000 for placement resource support program, \$200,000 for evaluation project, \$800,000 to increase supports to care providers. As you know, the Jane Morley report comes in on June 30 with regard to this. So I mean if either Hughes or Morley comes with a recommendation that we need to do more, then we'll have to look at doing that, because we do have money in the budget to do some things.

Another part of the budget, under support to families.... In the next fiscal year, starting April 1, we have supports to families, which is \$10 million; we have support to caregivers, which is \$4 million; we have support to children in care, \$7 million; quality assurance, \$1 million. So we really are focusing some new money in this area.

I'm not disagreeing with your premise or your statement. But again, if as the minister I could go to Treasury Board and just get the money that I wanted, it would make my job easier. But I don't get to do that. I think we've been very successful in the three-year period that we're just entering into. We want to make sure that we can actually spend that money in such a way that people's lives are improved.

A. Dix: I want to ask the minister about family service files. I think one of the things when we're talking about going to Treasury Board and getting money.... The minister frequently talks about the ratio of children in care to social workers and so on, but as he knows and everyone who works in the area knows, social workers work well beyond children in care. I want to just ask the minister: if you look at an evolution over time, the last three years, what has been the evolution, the numbers, of family service files? We talked about the reduction in social workers yesterday. What has been the evolution of the number of family service files that the ministry and ministry social workers have to deal with?

[1615]

Hon. S. Hagen: I apologize to the member for Vancouver-Kingsway. This, as you know, is in Mr. Sieben's area. We will get those numbers for you as quickly as we can.

A. Dix: From the old numbers — I don't have the up-to-date numbers; I have numbers as of August 2005 — what they show is a significant increase of family service files in the three years prior to that. I just want to make the point to the minister, and I think it's something that he understands. I mean, the minister deals with these issues every day, so he understands this. I think it's important that people....

There may even be members of Treasury Board here. No? No, there are no members of Treasury Board here, but there's hope. The member for Kamloops is here. That's an important thing.

I think it's really important to note the work that such files take. The work that is done is amongst the most important work that the ministry does. I think that when you talk about the reductions.... If you take it from August 2002, from my numbers, when you're looking at the family service caseload and you take it forward, you see that for families, it goes from \$11,635 to \$12,921. That's a significant increase for families. For children, there's a similar increase from \$25,911 to \$28,599, I believe — in that range. That's roughly it. The overall totals for adults are significant as well — increase as well.

Does the minister not agree? When you look at August 2002, that was when the cuts to the ministry were announced but not implemented. They follow the following fiscal year. It's really an indication that the use of the children-in-care statistic alone is not a reflection of the quantity of work the ministry does. What these statistics show, in fact, is that ministry social workers' caseloads — and the ministry's overall caseload — are increasing, even as one portion of the ministry's caseload is changing in terms of its composition.

I guess my question to the minister is: is it not the case really — and this is the case, surely, he makes to Treasury Board — that in spite of the children in care...? It's what I think we all know instinctively, which is that sometimes supporting families and making sure families stay together and work and get over

difficult times and difficult issues costs more than taking children into care.

Hon. S. Hagen: There is no question that there's some truth to what the member is saying. The other thing is that, as I talk to social workers particularly, the cases seem to be becoming more complex. It's like the challenges that foster parents have to deal with. For some reason the issues are tougher. They're more difficult to deal with.

I still don't have the numbers yet, but I do have the numbers of FTEs. In '04-05 we were just under 2,500 — 2,494. In '05-06 we went to 2,649. Then of course, as we heard in the budget, there are going to be 405 added to that number, so we will be up to well over 3,000 in FTEs. I think this is obviously a recognition of some of the points that you're making.

We're actually able to deliver, to try and show the front-line workers that we actually have been listening to them and that we know there needed to be corrective action taken. I have now been in this ministry about 16 months, and I feel good about it. I feel really good that we are going to be able to address some of the needs out there that need to be addressed.

[1620]

A. Dix: I want to thank the minister for that. I think the period of reduction occurred before that, so in 2004 we were going for a lower base. But I agree with the minister. I think that one of the important things for everybody who believes in the work done by the ministry, done by social workers, done by agencies around B.C. is to be, in our own way, advocates for that work — to argue that it's important. I agree with the minister about that.

That talks, in some ways, about a larger sense of the caseload of the ministry and how it has been growing in this period. I mean, it sort of validates. The minister hears this, and I hear this when I talk to social workers. They feel the strain, and there is a sense.... It's not just an issue of turnover. It's an issue of one's capacity to do a job after a time if there's an overburdening of work over time, given — as the minister says — the increasing complexity of individual cases. I think it's why I personally was very excited when I read the increases in the number of social workers in the budget.

That's something that — the minister always says I'm not positive enough — is really positive, and it's something that a whole group of people out there in the community, who have been advocating for that for years, long before I became the critic.... That's their success as well.

I just want to go further and ask one more detailed question to the minister. Section 54.1 agreements were passed into legislation in the spring of 2002. I want to ask the minister: how many of those agreements are in place today?

Hon. S. Hagen: We're just looking up that information now, but I just wanted to add something to the discussion that we've been having on this particular

part of the ministry. That is that the ministry has updated the workload model to reflect new work expectations. So the workload is not just measured by caseload now. We are taking into consideration the complexity of the individual cases, and of course, adding the new FTEs will help address that demand.

[B. Lekstrom in the chair.]

The number of section 54.1.... The note that I have says: "The small number of cases, approximately 30 to 50 per year, where adoption is not in the best interest of a child in continuing care...." So 30 to 50 a year.

A. Dix: Can I ask if any assessment has been done — any review of the overall success of the section 54.1 program has been done?

[1625]

Hon. S. Hagen: I don't have an answer to that question. We're going to get an answer. I did find out in the meantime that the total number of cases in this last fiscal year was 11.

This will give me an opportunity, because I took two questions on notice yesterday with regard to section 54.1s. There were three aspects to the member's question yesterday: (1) the safety of children and youth was not adequately considered, (2) it's alleged that the public guardian and trustee is refusing to sign off, and (3) social workers are doing what he called cut-rate social work.

The answer to all three of those is that what the member said was incorrect. The real facts are that the public guardian and trustee's only concern is around the transfer of the child's or youth's estate. That's what the public guardian and trustee deals with — not their safety. That's dealt with by others. The ministry staff is working with the trustee's office on that. That's where the question is — the transfer of the estate. The public trustee continues to provide section 54.1 transfers and, in fact, has approved several since April of 2005, which is when the member wrongly alleges that the trustee had stopped doing so.

I think, most importantly, that the ministry social workers are well-educated and well-trained professionals. They have access to numerous resources, standards and specific reference guidelines — which are not draft, as alleged — and that makes them very qualified to make these decisions.

A. Dix: As I understand it, I asked the minister two questions. The minister is suggesting that in the past fiscal year, in total, there have been 11 section 54.1 agreements. How many were there in the previous year?

Hon. S. Hagen: Thirty-one.

A. Dix: Can the minister provide any explanation of what is, I think, given that it's a program...? Usually you launch a program, and there is a curve up. In this

case it's a fairly dramatic curve down. Can the minister explain the reduction?

Hon. S. Hagen: I'm told that those individual decisions are based on what's best for the child. They're made by the social worker, and because the numbers are relatively small, you will get a large movement like that.

A. Dix: I know the concern of the public guardian and trustee is around the material well-being of a child. That's their concern. The reason they're concerned with section 54.1 agreements — the reason that they've met with the ministry repeatedly to ask for a change in the way the legislation works — is their feeling that under 54.1, this isn't considered.

I'll just quote to the minister from what the public guardian and trustee says. He says:

Section 24 of the Family Relations Act sets out similar factors as in section 4 of the Child, Family and Community Service Act. It also specifically states in section 24(2) that if the court is being asked to consider a transfer of guardianship of the estate of the child, the court must also consider the material well-being of the child in the case of an adoption, which would happen at the Supreme Court.

Unfortunately, no such requirement exists in Provincial Court under the transfer of custody guardianship provisions in the Child, Family and Community Service Act. Thus, a double standard now exists for the transfer of guardianship of the estate for children in British Columbia.

[1630]

One of the arguments is, for example, if you are talking about the financial well-being of a child, that a child in care who gets transferred over, under this arrangement, loses, in some cases, some automatic rights, which they would have under the act as a child in care — including medical and dental coverage that's available to them — that they may or may not have in the 54.1, and other such issues.

What the public guardian and trustee is saying is that the Supreme Court test and the reason they're concerned, the reason they're taking action, the reason they're engaged with the ministry on this.... The minister is arguing that he isn't aware that they're engaged with the ministry on this, but they are engaged with the ministry on this. Their position is strongly, in individual and in general cases, that as long as the material well-being of a child is not considered in these processes, it is a lower standard. They'd like to see it raised. So on that substantive question, I'd like to ask the minister for his position.

Hon. S. Hagen: Those discussions are going on now between my ministry staff and the public trustee and guardian. When they've reached conclusion, I'm sure they'll be bringing a recommendation back to me.

A. Dix: Does the minister not believe that you have a new program that's been set up by the government, a new type of care? I understand that not everything is considered always in the same way at the time of legis-

lation. But does the minister not believe, as I believe, that in fact for section 54.1 agreements, a Supreme Court test should be put in place? The stakes for the child, even though it's different qualitatively in the sense that once they reach 19, they're no longer related to the caregiver, as they are in the case of an adoption.... Doesn't the minister agree that in this case the same standard should apply for protection and protecting the interests of the child for section 54.1 guardianship agreements as it does for adoption?

Hon. S. Hagen: Well, as the member knows, because I think he was reading from the document, the public trustee and guardian has made a presentation to the Hon. Ted Hughes, so I don't know whether he's going to comment on it or not. If he does, we'll certainly look at those recommendations. But I will wait for recommendations that come from my staff. If we need to make changes in legislation or regulations, we'll do that.

A. Dix: Clearly, I think, if you look at the number of 54.1 cases.... First of all, I'd like to ask if all 54.1 cases go through the public guardian and trustee.

Hon. S. Hagen: My staff doesn't know the answer to that, but we'll get that answer.

A. Dix: Well, you know, this is a program that's before the ministry now, and this is a substantive proposal. This proposal didn't start from the public guardian and trustee when the Hughes commission was launched, nor, I think, would anyone have reasonably expected that section 54.1 would become a primary focus of the Hughes inquiry. Clearly, these objections from the public guardian and trustee are affecting the efficiency and the reach of that program. So I'm asking the minister specifically if he doesn't agree with me that — rather than digging in on these issues — in making these changes, he can make this program more effective.

Hon. S. Hagen: There's no question. If we can make the program more effective, that's exactly what we will do. In the meantime, we'll wait for the Hon. Ted Hughes to see if he addresses this, and I'll wait for a report from my staff. Unlike the member opposite, who spent some time in the Premier's office and waded into ministry after ministry to make changes unilaterally, I don't work that way.

[1635]

A. Dix: I'm delighted to hear the minister in fine fettle. Given the number of times the current Premier's office has waded into the Ministry of Children and Family Development in the last few months, I think there is a touch of irony. There's a message to me, and maybe there was a message to those listening in the west annex. I'll let that one go for the moment.

I think that the least disruptive measures — section 8 agreements, section 54.1 agreements — have in a

general sense been hurt in their effectiveness by a desire not to establish similar standards to the programs for which there are alternatives.

I'm going to ask the minister a little bit about training in the ministry and about levels of training, particularly with respect to section 8 agreements, but also with respect to section 54.1. One of the things I hear from social workers when I talk to them about these particular programs is considerable confusion about the application of them. Social workers tell me — and I don't know what they tell the minister about these programs.... I think you see it in the team leaders' report that we discussed yesterday in the House. Social workers feel that they're not sure how these programs are applied, when they should be applied. I think this is even more true for section 54.1 than it is for section 8.

In a lot of these programs, you get a wide diversity of their application in different regions. There have been regions at different times in the last couple of years that haven't done youth agreements, and others that have. You see a difference in the application. I think in spite of a decline in kind of a high standard of activity — high standard is the wrong word, because I'm not trying to be critical — or a consistency across the system, because some are trained and some aren't....

I think the coroner's jury in Port Alberni talked about the training and expressed their concern about the evidence that was brought forward by ministry officials there that, in a sense, full training hasn't been provided yet, even to social workers in terms of kith-and-kin agreements, for example. The sense is that these programs, these alternative measures, are only going to work if adequate supports are put into place and if the ministry provides the real supports needed to make them a success.

We had this debate last fall, and I'm not going to have the debate again about 2002 and all that went on in 2002. It's not good enough to start these programs without adequate training. That's fundamental to their success.

It's not that social workers aren't trained. Of course they are. And they're very committed to their education and to their ongoing education. But if you're going to launch something new, and it's fundamental to the change and the new vision that the minister and the government want to bring to the provision of children's services and child protection.... Surely, adequate training for new programs so that there is an understanding.... Understanding only comes, it seems to me, through real training, through exchanges, so people can work through and fully understand and digest what the purpose of section 54.1 would be or the purpose of section 8 would be and where it would fit, and discuss that with their colleagues and have those opportunities.

I wanted the minister just to respond to that, because there's been lots of discussion of the Children's Commission and all those things and that recommendation, and that's before Mr. Hughes. I think the first recommendation the jury made, in their reaction to

what they heard, was that need for training, that need for support for front-line workers was really required. They felt it, and they felt it as ordinary citizens who were just taking a look at the issue at the same time.

[1640]

I just wanted to ask the minister, particularly with respect to section 8 and section 54.1, whether he thinks the level of training of social workers across British Columbia is adequate and whether or not the programs would be more successful if the ministry invested more in training and actually went out and had a dialogue with front-line workers about how these programs should work.

Hon. S. Hagen: I'm not going to respond to that question because it's a question with regard to a recommendation from the coroner's inquest. We have said that we are going to make public our responses to those recommendations, and we're going to make them in conjunction with the Hughes report and with the child and youth officer report.

A. Dix: Can the minister tell me a basic fact, then? Have social workers across British Columbia been trained in section 8 kith-and-kin agreements — in both agencies, both directly MCFD social workers and delegated agencies?

Hon. S. Hagen: All new practice shift initiatives are accompanied by training. Kith-and-kin training was provided on the resource and payment system in 2003 and 2004. Identifying the specific changes required in relation to kith-and-kin agreements, 407 employees were trained.

A. Dix: Can the minister describe what that training was? What constituted that training? In addition, can he tell us whether that training has been offered to delegated agencies?

Hon. S. Hagen: All the core training is the same, whether you work for a delegated agency or the ministry.

A. Dix: So the minister said the training had been offered to.... I think the number was 407. Does that include all those social workers who might conceivably consider a section 8 agreement?

Hon. S. Hagen: The answer is yes.

A. Dix: I wanted to talk a little bit about foster care. I just want to say that on the whole issue of the reports on kith-and-kin, the reason that I'm not going in depth is that I respect the minister. I respect what the minister said about not wanting to comment on those during these processes. So we're not going to have a long debate, or at least a one-sided debate, around those questions. I don't think that serves anyone's purpose.

I wanted to ask the specific question about the training, and that's all. That's an issue of considerable

concern to me. I appreciate that, hopefully, at some point we'll have an opportunity to debate legislation stemming from the Hughes report and that that legislation will be something where we can engage on some of these issues again.

[1645]

I don't think — and I appreciate the minister's position in that regard — there's need on our part to rehash our debate of last November and to go through all that again. But I think people who are watching and considering this debate might wonder whether we're avoiding an elephant in the room, and we're not. The minister, I know, is consumed with those issues, as am I, as are other members of the House.

I want to ask the minister some questions that I got from a social worker who is concerned and who had some issues from her experience, both from working with the ministry at one time and also just as a foster parent — and the foster parent's concerns. She has a series of questions that she wanted me to ask the minister. I'm going to put them to the minister pretty much as she asked them. These are concerns she has as someone who deals with issues in the system every day.

I met with her at one point, and like many foster parents, she is enormously committed to the foster parent system and wants to make it better. These are her concerns, and I want to have a little dialogue and give the minister the opportunity to respond to those concerns.

I know that the minister gets lots of letters from foster parents, as we all do, and as all MLAs do who have concerns with the system and who deal with things. We get letters. I know that the child and youth officer gets letters and the members of the Legislature get letters from time to time from foster parents.

The first question that this particular foster parent was concerned with is about oversight. It's her view, and I put it to the minister, that there's insufficient oversight for foster homes, oversight for receiving homes, oversight about the number of moves that children and youth have been making — foster home to foster home. She talks — and this is not necessarily unusual — of a case where a single foster child moved, I think, either eight or nine times in a single year.

First of all, on the latter point, in terms of the movement of foster children. The ministry tracks that, of course, but does the ministry observe that? Does it assess over time how they're doing in ensuring the stability of foster children in foster homes? What's the minister's reaction to this sort of lack, in the view of this foster parent, of systemic oversight?

Hon. S. Hagen: As the member knows, you'll get a variety of views talking to foster parents. I've met with many, many foster parents throughout the province, and that's never been raised with me. That's never been raised by the federation of foster parents. That's the organization that I depend on to bring me suggestions if it would involve policy changes. Certainly, individuals are entitled to their individual views, but that's

never come up in any discussions that I've had with foster parents.

A. Dix: I guess there's a first time for the minister. There's a question and a concern about oversight. My specific question was to ask the minister about children in care and foster care and about the movement of children in foster care — whether the ministry tracks that data and assesses that data over time. I think that was the question the foster parent had.

I don't think that's an especially unusual question. In fact, often those are the cases that are brought to our attention — people who go through many, many foster homes in the system and churn through — as being a concern of the system. So I don't think it'll be the first time the minister has heard that issue. Perhaps I didn't properly frame the question that I was putting to the minister, so I'll put it to him again.

[1650]

Hon. S. Hagen: All children in care are tracked. The ministry knows at any given time where the child is.

I want to lay out the support system for foster parents, because it's pretty substantial. Foster parents are provided with a number of supports and networking opportunities at the local, regional and provincial levels. The ministry provides funding to the B.C. Federation of Foster Parent Associations and the Federation of Aboriginal Foster Parents at the provincial level. These two organizations provide a variety of information-sharing, foster parent awareness and promotion, recruitment, education and advocacy services at the provincial level. In each of the five regions, the ministry has contracted with regionally based agencies or organizations to provide the B.C. foster parent education program, training events and workshops, protocol support, information, peer support and networking services.

In addition to the provincial, regional and community supports, every foster parent is assigned a social worker known as a "resource worker," who provides ongoing day-to-day support to the caregiver to support their role in caring for the children placed in their home. The resource worker manages the foster parents and the financial supports provided to the caregiver via the Family Home Care agreement, and supports the foster parents' participation in the plan of care meetings. The resource worker, along with the child's team, provides support and guidance to assist the caregivers in fulfilling their roles and responsibilities outlined in each child's plan of care.

A. Dix: I think there's sometimes contradictory information about the supply of foster homes out there. A lot of people who work, both social workers and foster parents — certainly this foster parent — are concerned. What she hears from social workers is that they're desperate to find skilled foster homes, that they're "horrified at having to put youth out on youth agreements — youth who are not capable at this point of managing on their own," and that they're seeing

more, not fewer, children and youth needing MCFD services.

Aside from all that, can the minister talk a little bit — I mean, without getting into a debate about how the ministry's doing and those sorts of things — specifically on this issue of supply of foster homes? Does the ministry have enough foster homes now, especially given the increasing demands on individual foster homes? Does the ministry feel that there's a sufficient supply, given increasing demands and increasingly complex cases of both foster homes in general, of the different levels of foster homes that are required by the system?

Hon. S. Hagen: Yes, the ministry does feel they have enough foster homes. Approximately 75 new foster homes are approved each month, or about 900 new homes per year.

A. Dix: So the ministry doesn't feel that this perception that I've heard directly from social workers.... And the minister may have heard this when he's met with social workers. He's saying that this perception that there's a shortage of foster homes at all levels is not the reality, that he's not concerned by that and that there's not a need on the part of the ministry to enhance its recruitment efforts of foster parents at the moment.

Hon. S. Hagen: I'd like to introduce Karen Wallace, who has joined us from the ministry, because unfortunately, my ADM took ill.

I am told by the ministry that the recruitment of foster parents is ongoing, that we are not short of foster parents and that recruitment is based on the needs identified by MCFD regions.

[1655]

As you know, October is Foster Family Month, which we recognized in the House last year and will do this year as well. That's when I travel around the province to visit with foster parents.

As I've said in the House many times, foster parents provide an incredibly valuable service to the children and the people of British Columbia. We continually want to encourage people to look at being a foster parent. And I agree with you. I mean, foster parents do it for the right reason. They're there, and they're helping raise these kids. So we spend money to advertise for that, to recruit, and in the new budget we are adding \$1.4 million to recruitment and training initiatives with regard to foster parents.

A. Dix: In the system at any one time there are different levels of foster homes. One of the concerns that I hear from foster parents is a growing concern about what they would describe as inappropriate placement, that children and youth who they feel should be in a level three home — which is a higher-level home — and who have serious issues of addictions or whatever, are being placed in level two homes. The ministry presumably has statistics about the number of children in foster care at various levels of homes.

I think part of the reason it's important to get information out is that there's a feeling in the system that foster parents at different levels are getting very difficult cases, or more difficult cases. I think part of the reason we have these exchanges is for the minister to be able to put out the information about how many children in care are in different levels of foster homes.

I wanted to ask the minister if he had that information and if he could comment on this concern that in some cases children with serious drug addiction issues are going into level two homes, when the foster parents are concerned that maybe they should be in a higher-level home and so on. I want to ask the minister just to respond to that area in general, because I think it's a preoccupation, as well — with the federation, among others — that issue of the appropriate placement of children and youth in foster homes.

Hon. S. Hagen: I wouldn't presume to enter into that discussion, because I'm not a social worker. I'm sure that those discussions take place between foster families and the social worker, and an agreement is reached. But I can give you the numbers of children in care.

In level one care, it's 959 children. In level two care, 2,191. And in level three care, 1,465. Of course, the data demonstrates that level two and level three specialized family care homes provide care to the highest number of children in care. This use of specialized homes is reflective of the complex needs of many children who are in care. The high demand for level two and three homes needs to be considered in the development of regional recruiting strategies, which we've already talked about.

Again, I can't say enough about foster parents and the job they do. I don't know what we would do without them, actually. It is important. We are spending the resources, not just to recruit but to train. As I mentioned to you earlier today, foster parents do say to me that the children placed in their care seem to have more complex problems, so it's important for us to monitor that and help the foster parents address that.

[1700]

A. Dix: I appreciate getting the data with respect to level one, two and three homes. That's the current data. Can the minister give us some sense of comparison? And I'm not sure whether it's true or not, but just in terms of the relative importance of each level of foster care, whether in fact one level is growing more than others and whether the reflection that we certainly hear anecdotally — and the minister referred to this.... The perception that the children going into care and going into foster homes have increasingly complex needs — is that in fact reflected in the data for previous years? If we look back over time, are we seeing more level three and less level one? Or what are we seeing?

Overall, I presume that if there are fewer children in care, there are fewer children in foster care, but can the minister give me some data, some way of comparing by way of the past couple of years where the trends are in terms of foster care in British Columbia?

Hon. S. Hagen: I don't have the comparisons as I listed them out to you for previous years, but a comparison of the data over the last four years shows that the ministry has placed relatively more children in specialized level three homes. Four years ago it was 15.6 percent. That has risen to 24.6 percent.

A. Dix: I think that would actually be quite useful information for people to have in terms of addressing that question. I think it says two things, first of all. If anything, our respect and admiration for foster parents should go up, because they're being placed in level three homes because they're dealing with real challenges. I think that's something that — as all of us are promoting in October, the work of foster parents — we collectively need to recognize.

In fact, those statistics show that it's not just us talking or people talking. The demands reflected in individual decisions made by social workers to place children are in fact more challenging. I appreciate the minister's response there.

I think part of what we need to do.... I think that while it may be true that the ministry is meeting its demands for foster care right now, if in fact this is the future, this becomes increasingly more challenging work regardless of the commitment people have. I mean, I think we have to really be careful to understand both the increased challenge of this and be aware of changes as they come. If we go into a period — and you see it in all kinds of areas of labour shortages or different kinds of shortages — of increasing demand, then it communicates a message to all of us that we need to give more support to foster parents.

That wasn't really a question, but I'll leave you a chance to respond. I mean, you have paper in your hand.

Hon. S. Hagen: I actually have some information here that you asked for previously today, and I'll give you this too. This is the family service file. It's a graph, and it is climbing, which is why we are addressing it in the budget.

The Chair: Member.

A. Dix: Thank you very much, hon. Chair. It's wonderful to be recognized so effusively.

The next question was with respect.... I just wanted to check on this because I know that there are new resources in the budget for foster parents, principally for transportation. One of the concerns that this foster parent has — and I think a significant number of foster parents have — is a sense that the ministry has off-loaded shared financial responsibility for milestone events. I think the minister will know, as a parent, how important milestone events are.

[1705]

I'm wondering if the minister will acknowledge that in fact the funding was cut for milestone events and whether — given that it's not a significant amount of money involved, in absolute terms, and given that the minister has often talked publicly about the importance of milestone events — the minister could com-

ment on cuts to foster parent supports or refusing to pay the ministry's shared cost of milestones.

I think this foster parent believes that it's not a logical approach, that it's not the right approach. I'm making the request to you and asking you the question as to whether you think that the ministry taking its share of the cost of milestones isn't the right policy for foster parents. That means recognizing that foster parents alone don't bear the responsibility but that all of us as a society bear a parental responsibility with respect to children in care.

Hon. S. Hagen: The increase in the budget for the supports for children in care is up by \$1.15 million. There are reports that some foster parents are being denied requests for extra money for children in care when expenses exceed the monthly maintenance payment. The new budget starting April 1 provides an increase in discretionary funding to address this problem. No foster parent should have to subsidize the cost of caring for a child placed by the ministry.

A. Dix: Can the minister explain how that discretionary fund will work? I saw that in the budget. As part of the discussion I had with this foster parent and others about that.... How will that discretionary funding work for foster children? Beyond that, I guess I'd ask the minister....

The minister will know that many foster parents contribute, of course, hugely to the lives of their children. I know of foster parents — and I know the minister does too — who, above and beyond any kind of minimal service, have provided literally tens of thousands of dollars of additional services to get children who've had very difficult lives involved sometimes in sports, sometimes in the arts.

I know of a case — and I'm not going to talk about what area it's in — where a foster parent has, I think, counted up and said \$80,000, and the experience that the child had completely transformed their life in that case. The minister knows of cases like that as well. These aren't cases we can talk about specifically, but I think it's why it's so important that this change was made, why it was a mistake going back in time to cut these resources, but more importantly, why it's important to restore them now. So I wanted to ask the minister how those discretionary funds are going to work.

[1710]

Hon. S. Hagen: As I mentioned, social workers have additional funds available now through the \$1.15 million, and this is for discretionary expenditures. We trust foster parents. So when foster parents have spent more than what they have received through their monthly amount — they track their own expenditures — they come back to the social worker, and they say, "I had this additional expense or that additional expense," and they are reimbursed.

A. Dix: I just wanted to ask the minister, in some of those extraordinary cases — because clearly, these

kinds of discretionary funds are not meant to cover very large bills, and the minister knows some of these cases as well — whether it might be reasonable to suggest some sort of fund be established, in which the government might partner with others in extraordinary circumstances.

I'm thinking of circumstances where our children in care go into foster care, and they find a new outlet in life — whether it be sports or whatever — that requires very significant.... Even joining organized hockey or rejoining organized hockey — the minister will know and parents will, yes; that sort of thing — which are clearly extraordinary expenditures. But in some cases they are even more. I know of a couple of cases of foster children who have achieved extraordinary things and are on the verge of achieving extraordinary things. In some cases I've been part of private fundraising efforts to help in those cases, and I know the minister has been involved in those things as well.

I'm wondering how we might deal with those things, and how government might be able to play a facilitating role. If there's a cost that's actually \$20,000, \$30,000, \$40,000, or even slightly less than that but is part of an extraordinary success — right? — where we can make something happen that really will have an enormous effect, not just on the child but on the community, I'm wondering if there's some way we can work with that. I'm dealing with a couple of cases, and I know the minister deals with these cases all the time where there are extraordinary needs, sometimes, for extraordinary circumstances. I wanted to ask the minister that question.

Hon. S. Hagen: That's actually not a bad idea. Surprise, surprise, surprise.

Interjection.

Hon. S. Hagen: Don't give yourself that much credit.

I like that sort of thing. We do a lot of partnering, as you know, and I like that sort of thing. I'm quite prepared to examine that sort of plan. I think foster parents might respond positively to that too.

Communities are amazing. When the communities around the province see a need, they usually fill that need. I'm not going to make any commitments except that I make a commitment to you that I will examine that. Maybe there's a program we can put into place. Maybe we'll call it the Adrian Dix fund or something like that — but matching fund. That's actually not a bad idea, and I would be happy to explore that. Maybe we can explore it jointly.

A. Dix: I know the minister is kidding — on the name of the fund — but there are so many people who've contributed enormously. There are a lot of people who we can think of. Actually, we could name it after some people who really contributed to foster care in British Columbia. There are some extraordinary names. I know we could think of them, but I don't

want to.... You name one and you forget another, so I won't get into that. But I know that there are people who've contributed enormously over the years, so it would be nice to be able to do. I really thank the minister for his openness to thinking about that.

[1715]

The next question I had was just, for my benefit and for this person's benefit, to clarify the difference between bed-specific contracts and child-specific contracts.

Hon. S. Hagen: I have neglected to introduce Wayne Matheson, so we have reinforcements arriving to make up for the talent that we've lost. As I said earlier, it's great to be in a ministry where, when somebody — in this case, my ADM — gets sick, we have other people ready to fill in. In the case of other positions that we talked about earlier, we had great people to fill in on those positions. It's a privilege to be the minister of a ministry that has that sort of backup talent. We're just getting the answer to your question.

I'm glad that the member for Vancouver-Kingsway asked that question, because it's a learning experience for me. In the case of child-specific, that's based on the name of a specific child. We're actually phrasing that out and moving towards bed-specific, where we pay for a specific number of beds — one, two or three. Of course, the advantage to the foster parents, if they have vacancies, is that they still know that they have the certainty of a monthly amount coming in.

A. Dix: Well, I'm just putting forward to the minister questions that seem like interesting questions around this system, which a particular foster parent has sent in. What this foster parent argues, anyway, is the opposite of what the minister said. It's just a difference of opinion, and I don't think that necessarily would be a criticism. I think there's a debate around these questions.

She contends that most foster care homes want child-specific contracts restored — that child-specific offers much more leeway for meeting the child's special needs. It gives foster parents the opportunity to be more judicious in working for an appropriate match between the foster home, the children or the youth in care there and the newer placements. It gives social workers more opportunity to financially support specific needs for the youth or child.

That's the argument being put forward by this foster parent, and I think it's an interesting argument. I have to say that when it was put forward to me originally, I had to have explained the difference between the two. It's very important for foster parents, even if it may seem a little arcane. I'd like the minister just to comment on that, perhaps with the help of his staff, because I think it's an issue that some foster parents have strong views about.

[1720]

Hon. S. Hagen: At the risk of not talking to my staff, I'm going to answer the question. My answer is

this: I appreciate the views of the foster parent who projected those views to you, so what I'm going to do is raise this question with the federation of foster parents, and we can have that discussion — and with the aboriginal foster parents, as well. It's hard for me to get into a debate with one foster parent. It's more reasonable, I think, to turn to the association which represents them and say: "Okay, so is this an issue? What do you think? Is the ministry right? Is the ministry wrong?"

Usually, Sheila tells me very specifically if we're moving in the wrong direction. This has not come up, but I'll make a commitment to raise it at my next meeting with her.

A. Dix: Here's the final question from this foster parent. I think the questions are interesting and provocative. I think all of us.... The minister has been in this area a little longer than I have, but all of us are learning all the time about it — every day. So I try and learn at least one new thing every day, if not more than that.

[H. Bloy in the chair.]

The question is about restoring funding for social workers so that they can be reimbursed for coffee, hot chocolates, Cokes, muffins, a sandwich or a McDonald's burger for their clients. The contention here is that this funding was removed and that sometimes it's the only way a social worker can hook up with a youth or child — to take them for a snack and talk to them.

I know many social workers just do this, and they're not getting reimbursed. I wanted to ask the minister: in terms of the changes that are going on in the ministry and some of the flexibility that some of the new moneys brings to the ministry, has this issue come up? Does the minister think that this is a problem? I think some social workers do, because sometimes, in fact, it's more than a cup of coffee or a Coke or a burger. It's significantly more than that.

A lot of social workers — and the minister has no doubt talked to social workers; I know I have — find themselves consistently out of pocket for expenditures that they put forward just to help out children in care or children and youth that they're working with. So I wanted to ask the minister about that — how the system works and whether he thinks it can be improved.

Hon. S. Hagen: This is getting kind of scary, because I actually really agree with what you've said. As I've talked to social workers, this is a major issue with them, and I don't blame them. If I were in their shoes, I'd be unhappy as well. I'm pleased to say that we are addressing that. They will not have to put that money out of their own pocket any longer.

I was distressed when I found out about it. It's not the right thing to do, so we have changed that. I think just one of the benefits of getting out around the province and meeting with social workers on the front lines is you get to learn things that you didn't know before

you went. As I say, I was pretty distressed when I heard that, but we have fixed it.

A. Dix: When the minister says that's been fixed, when was it fixed? When was it changed? What was fixed, I guess? Has a new budget line been provided to accommodate this, or is it a change in policy? When was the change in policy implemented, and has that change in policy been communicated to social workers in the field?

Hon. S. Hagen: We actually did fix it last year by a one-time funding grant. This year it's in our base budget, so each office will have, I guess, a petty cash fund, for lack of a better term, and they can draw on that.

A. Dix: Just in a general sense, and more for just.... Maybe he might tell us a little bit about how much was contributed. How much overall was budgeted for that ministrywide?

[1725]

Hon. S. Hagen: That amount will be determined by each region, because each region is different and has different calls on that money. We'll make sure that each region has the money that they need to be able to do that.

A. Dix: Perhaps the minister can tell me.... I'm not asking for the specific amount, but I'm asking him: what kind of range of money are we talking about? I think that in some ways it may tell a very remarkable story about ministry social workers. When you talk about a significant amount being required to replace the moneys that in fact social workers themselves were contributing to assist children in care and children they are working with, I think that tells a really positive story about social workers.

Hon. S. Hagen: I would echo.... We're going to get back to you on the number, because we don't have it handy.

When I heard that from social workers, my estimation just skyrocketed. I think it's a very good-news story from the point of view that they did it when they had to and that secondly, we're fixing that.

A. Dix: We'll be moving on shortly to a new point, and we may want to report progress at that point. I asked the minister a question earlier about BCANDS. The minister almost answered to another question, so I wanted to give him, before we're done today, an opportunity to answer that question.

I think some steps have, in fact, been taken by the government in this area, but I think this is a group that truly does remarkable work, and they are sort of stuck between ministries. They felt at a certain point that they were getting moved from one ministry to another. They weren't sure where they were. One of the ministries that was relevant that they contacted was the Ministry of Children and Family Development, so I wanted the minister to maybe give me an update on that issue.

Hon. S. Hagen: Thank you for reminding me, because I actually wanted to do that a few questions ago.

The ministry has been able to support BCANDS with one-time-only grant funding that supports ministry programs, and this has been in the area of FASD. As well, the ministry funds their travel to participate in the Joint Aboriginal Management Committee. As you know, the mandate of this agency and the scope of their service delivery activities fall under many ministries and both the federal and provincial governments.

Funding that we have given out. In 2002, a one-time-only grant of \$175,000 was given out; in March of '04, a \$100,000 grant. In February of '06, Vancouver Island region provided \$150,000 to provide key worker training to aboriginal communities. Also, we funded an instructional video for 14 communities. There are some smaller grants to cover travel expenses to participate in JAMC, and there were some other sort of minor, smaller grants to help with travel.

A. Dix: I guess part of what they were looking for.... I presume that this group may actually get funding from other groups and from other ministries of government. Part of the challenge — and I would just like the minister to take a look at it for them and for other groups — is this one-time nature of funding, which really forces groups to struggle. I think that in this case, this is a group that's very successful. Clearly, it's meeting the test of the ministry in the sense that the ministry continues to provide grants, so their reporting, clearly, meets the ministry standards and so on.

[1730]

You can see that even though the ministry has consistently supported the organization, it's been in different periods for different programs and different times. So I wanted the minister, and maybe the ministry, to take a look at the particular work that this group does — which I think is, in some respects, unique in British Columbia in terms of its support for persons with disabilities and its role in the aboriginal community and working with aboriginal people off-reserve — and perhaps consider, anyway, how they can work with that agency to get more stable funding. That might not be more funding but....

You know, when I had met with this group last fall, they were trying to figure out one day to the next whether they'd be open, even though it was almost certain that the ministry would be providing funding and that different ministries are providing funding for them. I appreciate that the ministry has responded to that, and I asked the minister about this last fall as well. I think it kind of reflects some of the challenges groups face. Perhaps the minister could comment on that.

Hon. S. Hagen: It is a challenge, because if your budget is really, really tight, you may not get approval to roll it into your base. That's what we've been struggling with over the years. Now that we have some additional resources, we certainly will take a look at whether or not we can roll this and if this is a program that we can support on a regular basis.

A. Dix: We're going to go on to a new area. I wanted to kind of lay out for the minister and for his officials what we have in mind for the next couple of days in terms of organization. I think it's my sense that that's what we need — the next couple of days — to finish the estimates, just because of, really, the many areas that the ministry is involved in, which are very important.

Tomorrow I would expect we will be dealing principally and in the first instance with child care, which will involve the Minister of State for Childcare on the government side responding to our critic for Childcare, the member from Maillardville-Coquitlam. That will probably take us from three o'clock to six o'clock. It might take us a little longer.

It's our intention, then, to deal in the early part of the evening with child mental health. Our critic for mental health, the member for Cariboo South, will be here to do that. So just in terms of what staff can expect and when they can expect it, there will be some wrap-

up questions tomorrow evening around children and family services — the questions that we've been asking here. There's probably an hour or more of those, which will also deal with services provided to youth.

I would expect to finish the Ministry of Children and Family Development tomorrow, I hope. Then on Thursday our focus would be to move on principally with Community Living B.C. We've been in touch with Mr. Moles and others at Community Living B.C. who will be there — who will, I think, be available at that time. That's kind of how we see the estimates laying out. Certainly, I hope the assistant deputy minister is feeling better. His work is principally over, so that's good news for him. He'll get a bit of a break tomorrow afternoon as well.

With that, hon. Chair, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:34 p.m.

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