



Second Session, 38th Parliament

OFFICIAL REPORT OF
DEBATES OF THE
LEGISLATIVE ASSEMBLY
(HANSARD)

Thursday, March 30, 2006
Morning Sitting
Volume 8, Number 8

THE HONOURABLE BILL BARISOFF, SPEAKER

ISSN 0709-1281

PROVINCE OF BRITISH COLUMBIA
(Entered Confederation July 20, 1871)

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

SECOND SESSION, 38TH PARLIAMENT

SPEAKER OF THE LEGISLATIVE ASSEMBLY
Honourable Bill Barisoff

EXECUTIVE COUNCIL

Premier and President of the Executive Council	Hon. Gordon Campbell
Minister of State for Intergovernmental Relations	Hon. John van Dongen
Deputy Premier and Minister of Education and Minister Responsible for Early Learning and Literacy	Hon. Shirley Bond
Minister of Aboriginal Relations and Reconciliation	Hon. Tom Christensen
Minister of Advanced Education and Minister Responsible for Research and Technology	Hon. Murray Coell
Minister of Agriculture and Lands.....	Hon. Pat Bell
Attorney General and Minister Responsible for Multiculturalism.....	Hon. Wally Oppal, QC
Minister of Children and Family Development.....	Hon. Stan Hagen
Minister of State for Childcare	Hon. Linda Reid
Minister of Community Services and Minister Responsible for Seniors' and Women's Issues.....	Hon. Ida Chong
Minister of Economic Development and Minister Responsible for the Asia-Pacific Initiative and the Olympics.....	Hon. Colin Hansen
Minister of Employment and Income Assistance	Hon. Claude Richmond
Minister of Energy, Mines and Petroleum Resources	Hon. Richard Neufeld
Minister of State for Mining.....	Hon. Bill Bennett
Minister of Environment and Minister Responsible for Water Stewardship and Sustainable Communities	Hon. Barry Penner
Minister of Finance.....	Hon. Carole Taylor
Minister of Forests and Range and Minister Responsible for Housing	Hon. Rich Coleman
Minister of Health	Hon. George Abbott
Minister of Labour and Citizens' Services	Hon. Michael de Jong
Minister of Public Safety and Solicitor General.....	Hon. John Les
Minister of Small Business and Revenue and Minister Responsible for Regulatory Reform.....	Hon. Rick Thorpe
Minister of Tourism, Sport and the Arts	Hon. Olga Ilich
Minister of Transportation.....	Hon. Kevin Falcon

LEGISLATIVE ASSEMBLY

Leader of the Official Opposition	Carole James
Deputy Speaker	Sindi Hawkins
Assistant Deputy Speaker	Sue Hammell
Deputy Chair, Committee of the Whole.....	Harry Bloy
Clerk of the Legislative Assembly	E. George MacMinn, OBC, QC
Clerk Assistant	Robert Vaive
Clerk Assistant and Law Clerk	Ian D. Izard, QC
Clerk Assistant and Clerk of Committees	Craig H. James
Clerk Assistant and Committee Clerk	Kate Ryan-Lloyd
Sergeant-at-Arms.....	A.A. Humphreys
Director, Hansard Services	Jo-Anne Kern
Legislative Librarian	Jane Taylor
Legislative Comptroller.....	Dan Arbic

ALPHABETICAL LIST OF MEMBERS

Abbott, Hon. George (L)..... Shuswap
Austin, Robin (NDP)..... Skeena
Bains, Harry (NDP)..... Surrey-Newton
Barisoff, Hon. Bill (L)..... Penticton-Okanagan Valley
Bell, Hon. Pat (L)..... Prince George North
Bennett, Hon. Bill (L)..... East Kootenay
Black, Iain (L)..... Port Moody-Westwood
Bloy, Harry (L)..... Burquitlam
Bond, Hon. Shirley (L)..... Prince George-Mount Robson
Brar, Jagrup (NDP)..... Surrey-Panorama Ridge
Campbell, Hon. Gordon (L)..... Vancouver-Point Grey
Cantelon, Ron (L)..... Nanaimo-Parksville
Chong, Hon. Ida (L)..... Oak Bay-Gordon Head
Chouhan, Raj (NDP)..... Burnaby-Edmonds
Christensen, Hon. Tom (L)..... Okanagan-Vernon
Chudnovsky, Dave (NDP)..... Vancouver-Kensington
Coell, Hon. Murray (L)..... Saanich North and the Islands
Coleman, Hon. Rich (L)..... Fort Langley-Aldergrove
Conroy, Katrine (NDP)..... West Kootenay-Boundary
Coons, Gary (NDP)..... North Coast
Cubberley, David (NDP)..... Saanich South
de Jong, Hon. Michael (L)..... Abbotsford-Mount Lehman
Dix, Adrian (NDP)..... Vancouver-Kingsway
Evans, Corky (NDP)..... Nelson-Creston
Falcon, Hon. Kevin (L)..... Surrey-Cloverdale
Farnworth, Mike (NDP)..... Port Coquitlam-Burke Mountain
Fleming, Rob (NDP)..... Victoria-Hillside
Fraser, Scott (NDP)..... Alberni-Qualicum
Gentner, Guy (NDP)..... Delta North
Hagen, Hon. Stan (L)..... Comox Valley
Hammell, Sue (NDP)..... Surrey-Green Timbers
Hansen, Hon. Colin (L)..... Vancouver-Quilchena
Hawes, Randy (L)..... Maple Ridge-Mission
Hawkins, Sindi (L)..... Kelowna-Mission
Hayer, Dave S. (L)..... Surrey-Tynehead
Hogg, Gordon (L)..... Surrey-White Rock
Horgan, John (NDP)..... Malahat-Juan de Fuca
Horning, Al (L)..... Kelowna-Lake Country
Ilich, Hon. Olga (L)..... Richmond Centre
James, Carole (NDP)..... Victoria-Beacon Hill
Jarvis, Daniel (L)..... North Vancouver-Seymour
Karagianis, Maurine (NDP)..... Esquimalt-Metchosin
Krog, Leonard (NDP)..... Nanaimo
Krueger, Kevin (L)..... Kamloops-North Thompson
Kwan, Jenny Wai Ching (NDP)..... Vancouver-Mount Pleasant
Lali, Harry (NDP)..... Yale-Lillooet
Lee, Richard T. (L)..... Burnaby North
Lekstrom, Blair (L)..... Peace River South
Les, Hon. John (L)..... Chilliwack-Sumas
Macdonald, Norm (NDP)..... Columbia River-Revelstoke
MacKay, Dennis (L)..... Bulkley Valley-Stikine
Mayencourt, Lorne (L)..... Vancouver-Burrard
McIntyre, Joan (L)..... West Vancouver-Garibaldi
Neufeld, Hon. Richard (L)..... Peace River North
Nuraney, John (L)..... Burnaby-Willingdon
Oppal, Hon. Wally, QC (L)..... Vancouver-Fraserview
Penner, Hon. Barry (L)..... Chilliwack-Kent
Polak, Mary (L)..... Langley
Puchmayr, Chuck (NDP)..... New Westminster
Ralston, Bruce (NDP)..... Surrey-Whalley
Reid, Hon. Linda (L)..... Richmond East
Richmond, Hon. Claude (L)..... Kamloops
Robertson, Gregor (NDP)..... Vancouver-Fairview
Roddick, Valerie (L)..... Delta South
Routley, Doug (NDP)..... Cowichan-Ladysmith
Rustad, John (L)..... Prince George-Omineca
Sather, Michael (NDP)..... Maple Ridge-Pitt Meadows
Simons, Nicholas (NDP)..... Powell River-Sunshine Coast
Simpson, Bob (NDP)..... Cariboo North
Simpson, Shane (NDP)..... Vancouver-Hastings
Sultan, Ralph (L)..... West Vancouver-Capilano
Taylor, Hon. Carole (L)..... Vancouver-Langara
Thorne, Diane (NDP)..... Coquitlam-Maillardville
Thorpe, Hon. Rick (L)..... Okanagan-Westside
Trevena, Claire (NDP)..... North Island
van Dongen, Hon. John (L)..... Abbotsford-Clayburn
Whittred, Katherine (L)..... North Vancouver-Lonsdale
Wyse, Charlie (NDP)..... Cariboo South
Yap, John (L)..... Richmond-Steveston

LIST OF MEMBERS BY RIDING

Abbotsford-Clayburn..... Hon. John van Dongen
Abbotsford-Mount Lehman..... Hon. Michael de Jong
Alberni-Qualicum..... Scott Fraser
Bulkley Valley-Stikine..... Dennis MacKay
Burnaby North..... Richard T. Lee
Burnaby-Edmonds..... Raj Chouhan
Burnaby-Willingdon..... John Nuraney
Burquitlam..... Harry Bloy
Cariboo North..... Bob Simpson
Cariboo South..... Charlie Wyse
Chilliwack-Kent..... Hon. Barry Penner
Chilliwack-Sumas..... Hon. John Les
Columbia River-Revelstoke..... Norm Macdonald
Comox Valley..... Hon. Stan Hagen
Coquitlam-Maillardville..... Diane Thorne
Cowichan-Ladysmith..... Doug Routley
Delta North..... Guy Gentner
Delta South..... Valerie Roddick
East Kootenay..... Hon. Bill Bennett
Esquimalt-Metchosin..... Maurine Karagianis
Fort Langley-Aldergrove..... Hon. Rich Coleman
Kamloops..... Hon. Claude Richmond
Kamloops-North Thompson..... Kevin Krueger
Kelowna-Lake Country..... Al Horning
Kelowna-Mission..... Sindi Hawkins
Langley..... Mary Polak
Malahat-Juan de Fuca..... John Horgan
Maple Ridge-Mission..... Randy Hawes
Maple Ridge-Pitt Meadows..... Michael Sather
Nanaimo..... Leonard Krog
Nanaimo-Parksville..... Ron Cantelon
Nelson-Creston..... Corky Evans
New Westminster..... Chuck Puchmayr
North Coast..... Gary Coons
North Island..... Claire Trevena
North Vancouver-Lonsdale..... Katherine Whittred
North Vancouver-Seymour..... Daniel Jarvis
Oak Bay-Gordon Head..... Hon. Ida Chong
Okanagan-Vernon..... Hon. Tom Christensen
Okanagan-Westside..... Hon. Rick Thorpe
Peace River North..... Hon. Richard Neufeld
Peace River South..... Blair Lekstrom
Penticton-Okanagan Valley..... Hon. Bill Barisoff
Port Coquitlam-Burke Mountain..... Mike Farnworth
Port Moody-Westwood..... Iain Black
Powell River-Sunshine Coast..... Nicholas Simons
Prince George North..... Hon. Pat Bell
Prince George-Mount Robson..... Hon. Shirley Bond
Prince George-Omineca..... John Rustad
Richmond Centre..... Hon. Olga Ilich
Richmond East..... Hon. Linda Reid
Richmond-Steveston..... John Yap
Saanich North and the Islands..... Hon. Murray Coell
Saanich South..... David Cubberley
Shuswap..... Hon. George Abbott
Skeena..... Robin Austin
Surrey-Cloverdale..... Hon. Kevin Falcon
Surrey-Green Timbers..... Sue Hammell
Surrey-Newton..... Harry Bains
Surrey-Panorama Ridge..... Jagrup Brar
Surrey-Tynehead..... Dave S. Hayer
Surrey-Whalley..... Bruce Ralston
Surrey-White Rock..... Gordon Hogg
Vancouver-Burrard..... Lorne Mayencourt
Vancouver-Fairview..... Gregor Robertson
Vancouver-Fraserview..... Hon. Wally Oppal, QC
Vancouver-Hastings..... Shane Simpson
Vancouver-Kensington..... David Chudnovsky
Vancouver-Kingsway..... Adrian Dix
Vancouver-Langara..... Hon. Carole Taylor
Vancouver-Mount Pleasant..... Jenny Wai Ching Kwan
Vancouver-Point Grey..... Hon. Gordon Campbell
Vancouver-Quilchena..... Hon. Colin Hansen
Victoria-Beacon Hill..... Carole James
Victoria-Hillside..... Rob Fleming
West Kootenay-Boundary..... Katrine Conroy
West Vancouver-Capilano..... Ralph Sultan
West Vancouver-Garibaldi..... Joan McIntyre
Yale-Lillooet..... Harry Lali

CONTENTS

Thursday, March 30, 2006
Morning Sitting

Routine Proceedings

	Page
Introduction and First Reading of Bills.....	3505
Securities Amendment Act, 2006 (Bill 20)	
Hon. W. Oppal	
Tabling Documents.....	3505
Office of the Auditor General, report No. 10, 2005-2006, <i>Building Better Reports: Our Assessment of the 2004/05 Annual Service Plan Reports of Government</i>	
Committee of the Whole House.....	3505
Settlement of International Investment Disputes Act (Bill 19)	
Hon. W. Oppal	
L. Krog	
Report and Third Reading of Bills.....	3507
Settlement of International Investment Disputes Act (Bill 19)	
Petitions.....	3507
Hon. K. Falcon	
Committee of the Whole House.....	3507
Attorney General Statutes Amendment Act, 2006 (Bill 17)	
Hon. W. Oppal	
L. Krog	
Report and Third Reading of Bills.....	3513
Attorney General Statutes Amendment Act, 2006 (Bill 17)	
Committee of the Whole House.....	3513
Income Trust Liability Act (Bill 13)	
J. Kwan	
Hon. C. Taylor	
Report and Third Reading of Bills.....	3515
Income Trust Liability Act (Bill 13)	
Committee of the Whole House.....	3515
Finance Statutes Amendment Act, 2006 (Bill 18)	
J. Kwan	
Hon. C. Taylor	
Report and Third Reading of Bills.....	3517
Finance Statutes Amendment Act, 2006 (Bill 18)	

Proceedings in the Douglas Fir Room

Committee of Supply.....	3518
Estimates: Ministry of Education and Minister Responsible for Early Learning and Literacy (<i>continued</i>)	
Hon. S. Bond	
M. Farnworth	
J. Horgan	
D. Chudnovsky	
D. Routley	
C. Wyse	

THURSDAY, MARCH 30, 2006

The House met at 10:03 a.m.

Prayers.

Introduction and First Reading of Bills

SECURITIES AMENDMENT ACT, 2006

Hon. W. Oppal presented a message from Her Honour the Lieutenant-Governor: a bill intituled Securities Amendment Act, 2006.

Hon. W. Oppal: I move that Bill 20 be introduced and read a first time now.

[1005]

Motion approved.

Hon. W. Oppal: Mr. Speaker, I am pleased to introduce the amendments to the Securities Act. The bill includes three types of amendments to the act.

First, it provides new powers to the British Columbia Securities Commission that will enable us to push further in developing the regulatory passport system with other provinces.

Second, the bill makes targeted amendments to the Securities Act to support harmonization of securities regulation with other provinces.

Third, it includes selected provisions adapted from the unproclaimed Securities Act adopted in 2004. These are designed to improve investor protection and the administration of the current act. On February 10, 2006, I announced the government's decision to defer the implementation of the 2004 Securities Act for at least two years to enable British Columbia to continue to fully participate in the passport system developed with other provinces.

In 2004 ministers for British Columbia and several other provinces and territories signed a memorandum of understanding regarding securities regulation. The memorandum of understanding commits provinces and territories to make their best efforts to implement a passport system for securities regulation and to develop and implement the highly harmonized and streamlined securities laws.

Bill 20 provides for amendments envisioned by the memorandum of understanding. Governments in other provinces and territories are proposing similar amendments to their securities legislations in their jurisdictions.

I move that the bill be placed on the orders of the day for second reading at the next sitting of the House after today.

Bill 20, Securities Amendment Act, 2006, introduced, read a first time and ordered to be placed on

orders of the day for second reading at the next sitting of the House after today.

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to present the Auditor General's report 10, 2005-2006, *Building Better Reports: Our Assessment of the 2004/05 Annual Service Plan Reports of Government*.

Hon. R. Thorpe: I seek leave to make an introduction.

Leave granted.

Introductions by Members

Hon. R. Thorpe: Mr. Speaker and members of the House, it gives me great pleasure today to introduce the grade 11 civics class from Summerland Secondary School. They're accompanied by their teacher Dave Stathers, who does this on an annual basis, bringing students down. Would the House please make the students and the teacher from Summerland welcome in the Legislature today.

Orders of the Day

Hon. G. Abbott: In Section A, I call estimates debate for the Ministry of Education. In this chamber I call committee stage debate on Bill 19.

Committee of the Whole House

SETTLEMENT OF INTERNATIONAL INVESTMENT DISPUTES ACT

The House in Committee of the Whole (Section B) on Bill 19; H. Bloy in the chair.

The committee met at 10:10 a.m.

Hon. W. Oppal: I wish to introduce Russell Getz, who will be assisting me in this matter this morning. I want to thank him for his advice and assistance.

On section 1.

L. Krog: "Convention" means "Convention on the Settlement of Investment Disputes between States and Nationals of other States." Has this been passed or approved by all members of the Commonwealth?

Hon. W. Oppal: It has been passed by some members of the Commonwealth but not by all members of the Commonwealth. I can say that there are a number of jurisdictions in the United States that have passed it.

L. Krog: The Attorney General said a number of states in the United States. I'm sorry. Was that a mistake, or...?

Hon. W. Oppal: Sorry. I apologize for not being clear in my answer. The members of the G8 nations have all agreed to this convention.

L. Krog: For instance, has Mexico — which is not, obviously, a member of the Commonwealth — approved this convention?

Hon. W. Oppal: I'm advised that Mexico is a signatory to the convention.

Section 1 approved.

On section 2.

L. Krog: Section 2 provides that if there is a conflict between this act and any other enactment, this act prevails. I'm just wondering if the Attorney General can advise the House what other statutes might come into conflict or do conflict, in fact, with this act.

Hon. W. Oppal: This is a standard clause or standard provision that's contained in similar legislation. I am not able to enlighten the member as to any particular statutes that may be.... The Commercial Arbitration Act may be one that comes to mind.

Section 2 approved.

On section 3.

L. Krog: With respect to section 3, the act applies in respect of agreements recording consent to arbitration or conciliation proceedings, including agreements entered into or awards rendered, etc.

What types of agreements are we talking about? Do these agreements include agreements between corporate bodies only, between nation states — all of the above or some of the above?

Hon. W. Oppal: This agreement is applicable between member countries and individuals in member countries who may have commercial dealings with that member state.

L. Krog: Just so that I'm very clear with the Attorney General, when he refers to individuals, I presume and would ask him to comment that he is referring to individuals as in persons — natural persons — and corporate bodies as well.

Hon. W. Oppal: The member's assessment is quite correct. It includes corporate bodies.

[1015]

Sections 3 to 5 inclusive approved.

On section 6.

L. Krog: With respect to section 6, are there any methods of a British Columbia citizen avoiding the

effect of an award or appealing it or reviewing it? It says fairly clearly that the award is final and binding — not subject to appeal, etc. — except as provided in the convention. This, in fact, removes rights — I take it — that British Columbians would normally have in a situation with respect to a judgment or an award. Is that the effect of the section?

Hon. W. Oppal: The issue raised by the member is a good one, with respect. But this mechanism is designed to resolve private disputes. It does not mean that the courts do not have ultimate power, under appropriate circumstances, to deal with issues.

L. Krog: My reading of the section is that the only method of setting aside an award is under the terms of the convention itself. But in fact, once it is certified or filed in British Columbia, then a British Columbian would have no further rights with respect to this provision. In other words, you'd have no further rights in British Columbia.

Hon. W. Oppal: Persons who voluntarily submit themselves to this dispute resolution agree to be bound by the terms, and the terms are that the arbitration award will be filed in the Supreme Court and will be a final judgment of the court — subject, of course, to section 6.

Section 6 approved.

On section 7.

L. Krog: With respect to section 7, I take it that unless the Supreme Court makes an order staying proceedings.... Perhaps looking at the reverse: once registered in the Supreme Court of B.C., one could continue to enforce it as a judgment of the court unless one gets an order in Supreme Court staying it. Or is it the situation that the Supreme Court will refuse to enforce it simply because it's been stayed under the convention?

In other words, how does the mechanism work here? Once I have registered my award in the British Columbia Supreme Court, my general understanding is that the registry would not pay any attention to it thereafter. It's not as if it's going back in front of a judge or a registrar for review.

So in other words, is it the situation that once I have registered that judgment — even though there may be a stay entered under the convention as between the parties — unless a person affected brings the application to stay proceedings in Supreme Court consequential to that, in fact the judgment holder would be entitled to continue to enforce?

[1020]

Hon. W. Oppal: The circumstances are that the stay application would take place prior to registering it in the Supreme Court.

Sections 7 and 8 approved.

On section 9.

L. Krog: I wonder if the Attorney General can simply explain the effect of this section. I'm going to pretend I'm a very ignorant person here this morning, and conscious of the fact that British Columbians are watching this with fixed attention....

An Hon. Member: Especially you.

L. Krog: Especially me, the member points out.

I'd like to hear the Attorney General's explanation of the effect of this section.

Hon. W. Oppal: Privilege is an integral part of this process. Thus, the parties who adhere to this process will have the right to claim privilege unless, of course, they wish to waive it.

Sections 9 to 12 inclusive approved.

On section 13.

L. Krog: With respect to section 13, is the effect of this to provide for a limitation period with respect to the enforcement of the judgment? For instance, a judgment granted in a British Columbia Supreme Court or any court in British Columbia is good for ten years in terms of enforcement. I'm just wondering: do the same rules then apply, in fact, to a judgment registered under the convention?

Hon. W. Oppal: The same rules apply. There's no change in the rules or the provisions.

L. Krog: So I take it that given the terms of the international convention, once an award is made, that award can be enforced in the various jurisdictions that are signatories to the convention. Is that award enforceable pursuant to the laws of the jurisdiction in terms of the limitation of the length of time that a judgment is good — so it might be two years in Ghana and ten years in Canada? How does that system work?

Hon. W. Oppal: That's a good question. Obviously, you're a member of the bar. In any event.... Yes, British Columbia law is applicable.

Sections 13 to 15 inclusive approved.

Schedule approved.

Title approved.

Hon. W. Oppal: I move that the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 10:24 a.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

SETTLEMENT OF INTERNATIONAL INVESTMENT DISPUTES ACT

Bill 19, Settlement of International Investment Disputes Act, reported complete without amendment, read a third time and passed.

[1025]

Hon. K. Falcon: I seek leave to present a petition.

Leave granted.

Petitions

Hon. K. Falcon: I rise to present a petition signed by 3,454 people from British Columbia — Parents and Teachers for Life.

Hon. G. Abbott: I call committee stage debate on Bill 17.

Committee of the Whole House

ATTORNEY GENERAL STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 17; H. Bloy in the chair.

The committee met at 10:26 a.m.

Hon. W. Oppal: I have the honour of assisting me this morning Russell Getz, Peter Becker, Anne Wood, Jill Dempster, Peter Robinson, Sheila Doyle and Neil Reimer.

On section 1.

L. Krog: By way of sort of a general question on this section, has the escheating of water systems to the province been a problem at this stage?

Hon. W. Oppal: Well, it has been a problem in that there are a number of private owners of water systems who have defaulted in their obligations. The result is that the systems have reverted to the province. The Crown has become, by default, the involuntary owner of these water systems where persons have walked away from them due to various circumstances and events. The result is that the government then has an obligation to ensure that there is safe drinking water.

[S. Hammell in the chair.]

L. Krog: The Attorney General used the term "default." I'm just wondering: are we simply talking about situations where the corporate body that has owned the water system has defaulted? Or are we talking

about it failing to maintain its annual reports? Are we talking about a failure to maintain and provide the system?

If so, how does the province end up with ownership of the system? What's the statutory provision that gets us to the situation where the water system somehow reverts to the Crown, apart from some general sense of moral responsibility?

Hon. W. Oppal: Default may result from a number of different factors. A company can go into receivership and subsequent bankruptcy. A company or an owner may simply abandon the property. There may be a failure to file annual reports, thereby resulting in a default under our law. So there are various reasons and factors that would lead to the escheatment process.

L. Krog: As I read the section, it provides that title, etc., that is escheated to the government or is "vested in the government under this Act is not, except as provided in section 4.1...affected by a restoration."

[1030]

In a situation where a company has been struck — and that may be through the simple failure to file an annual report as opposed to some desire to be struck and dissolved and not having walked away from the operation of the system — do I take it, then, that even if that company restores itself to the register, the government, in fact, will still retain title in those circumstances? Or can an application be made by the company? In other words, how does the company...? If it gets itself restored or the owner gets the ownership back, what will the process be by which that will occur?

Hon. W. Oppal: No, the provisions are that if a company redeems itself... The circumstances are analogous to a mortgage foreclosure where you have the opportunity to redeem your position upon fulfilling certain obligations. If an owner has been in default and the owner redeems himself or herself, then the property would be reverted to its former owner and the government's obligations would cease.

Sections 1 and 2 approved.

On section 3.

L. Krog: With respect to section 3, I wonder if the Attorney General can explain to the House the effect of section 3.

Hon. W. Oppal: Subsection (1) defines "water systems property" consistent with the definition of water utility under the Water Utility Act. The definition of "works" includes both those affixed to land and those that are personal property. "Vested" is defined to include the land that is escheated to the government and personal property that is vested in the government.

Subsection (2) sets out the application of the new section to a water system property that vests in the

government when the corporation that owned the water system eventually dissolves.

L. Krog: Actually, I believe the Attorney General, hon. Chair, was responding to what would be section 4 of the bill. I was asking about section 3 of this bill which amends by adding the following section, subsection (5.1). We're a little ahead of ourselves.

I'm curious about the effect of that section. It says the Supreme Court... It says that an order may not be made under subsection (5) that's been granted or disposed of the land of the corporation that is escheated to the government.

Hon. W. Oppal: Once the system has been conveyed to local government, then it cannot be given back to a former owner.

L. Krog: I appreciate the Attorney General's comments, because that leads to the next question. Is it the intention, then, that under this section, once the water system has escheated to the Crown, they will try and dispose of it as quickly as possible? I gather it's not for profit in a sense, but what is the policy going to be? Is there some statement?

I don't see it anywhere in the bill. Is the concept going to be that the Crown, Her Majesty the Queen in the right of the province of British Columbia, will attempt to dispose or transfer the water system to local public control through local government, or what is the intention?

[1035]

Hon. W. Oppal: The local government would get first option.

L. Krog: I appreciate the brevity of the Attorney General's answer, but I'm curious about the concept of consideration. Even though it's been abandoned by its owner and been obtained by the Crown because it's escheated under whatever circumstance, a water system may in fact have significant value. It has market value is what I'm getting at.

I'm just wondering: is the intention that local government will then be given the first option, and will it be local government getting the first option for valuable consideration or simply as a generous gift from Her Majesty?

Hon. W. Oppal: If there's value there, our common sense tells us that the company is not going to walk away from it. It depends on the circumstances of each case. I think I've answered the question.

Section 3 approved.

On section 4.

L. Krog: I have asked some questions around this. Forgive me if I somewhat repeat a few things.

This section deals with the disposal of the escheated water system. It authorizes the Attorney Gen-

eral to dispose. It authorizes him to grant rights of way or easements. It "provides for an application to court for the return of water system property to a dissolved corporation on its revival if the Attorney General has not disposed of that water system property."

I take it from the Attorney General's previous answer that with respect to the disposition of these systems.... The residual value might in fact be quite small. I'm thinking of a situation where you have a small limited company that has three or four shareholders. The water system may have a market value of, say, \$3,000 or \$4,000 or \$10,000. The partners are warring amongst each other, or the shareholders in the company are warring amongst each other. Therefore, you can't get them together to make an application to court, to foot the legal bill to restore the company.

In a sense, there will be situations where you have a water system that in fact has value. That circumstance, I think, is easily within contemplation. So we have a system that has some small value. It's a situation where the corporate body is not likely to — or doesn't, in fact — apply to restore. Therefore, the Crown has acquired an asset that does have a market value.

I come back to the main question. Is it the intention that the Crown will dispose of it at that fair market value under this section? Or is it the intention that it will make, if you will, a gift to local government, thereby getting past what is arguably seen in the public's eyes as the residual obligation of the government to provide water? In other words, are you going to charge for it, or is it going to be a gift? Or is there any set policy in this area?

Hon. W. Oppal: I think the answer is that if local government took it over, then it would not be the intention of the provincial government to get involved to take it over. It's not the intention of the provincial government to get involved in the system, unless there's been default and the resulting circumstances are that there's not safe drinking water for the persons who are involved and are subject to the particular water system.

[1040]

L. Krog: Safe water is obviously a prime concern for British Columbians, and so I'm curious. In a situation where the water system has been abandoned, if you will, by its owner.... It has escheated to the Crown. The water is dangerous, it's not healthy, and you can't drink it. The people are reliant on the system, and some are quite small. They're manufactured home parks in rural areas. I mean, they're spread across the province. We're talking quite a potpourri of water systems.

In a situation like that, where public health should be the primary concern and the water system has escheated to the Crown.... Is it the Crown's intention, then, that they will operate the system at their own cost until they can dispose of it? Is that the policy? Or is the public, who are the recipients of this poor water system, simply going to have to suffer?

Hon. W. Oppal: In fact, the government is operating water systems now. The object is to operate the water systems where there has been default. That's why the escheatment process has taken place. Where an owner has defaulted or walked away for whatever reason, the government has assumed by default the ownership of the water system. When the government does that, it ensures that there is safe drinking water. In the meantime, the government then looks for ways in which a local community or someone else can assume control over the water system. But until such time as that takes place, the government's obligation is to ensure that there is safe drinking water.

L. Krog: I take it these sections in a general sense are being — this one in particular — brought forward to deal with the legal limbo, if you will, that the Crown finds itself in now with respect to these water systems. If that in fact is the case, then how many water systems right now does the Crown have at its disposal, if you'll forgive that term?

Hon. W. Oppal: Legal limbo might be a good way of describing it. What happens, as mentioned before, is that there is default. The government by default assumes control and ensures that there is safe drinking water. There are 11 such systems in the province now, where the systems have escheated to the government.

Section 4 approved.

On section 5.

L. Krog: This is a pretty substantial section 5. It includes numerous provisions that on the face of it appear to me to simply authorize the government to, essentially, do all the things that an ordinary owner would presumably be responsible to do. Is that the general import of this section?

Hon. W. Oppal: What this subsection does.... It allows or permits the government to recover the moneys that the government has expended in financing the water system where the default has taken place.

[1045]

L. Krog: Referring now to what would become section 17 of the act, found on page 4 of the bill, my reading of that section — it's pretty straightforward — says, and I'm going to read it out for the record:

Despite the *Water Utility Act*, any other enactment or any other legal obligation, the government (a) may cease providing water from water system property, and (b) is not required to repair works that are part of water system property or provide water from that water system property if water was not provided from the water system property on the date that the water system property escheated to or vested in the government.

It then goes on to say in subsection (2):

The government must give at least 30 days notice to each owner of serviced property before ceasing to provide water under subsection (1) (a).

It then goes on to talk about how that notice may be given.

Now my reading of this section, hon. Chair, is that there are British Columbians who, with great respect, at the whim of the provincial government, having paid good value or valuable consideration for property or leaseholds in manufactured home parks or whatever, may find themselves in the situation where they will not have any access to water.

The effect of this section is that if the Crown gives you 30 days' notice, tough luck. Goodbye. There goes the value in your real estate. That's the way I read this section. I'd like to hear the Attorney General's comments on this section, because I think it's pretty plain. I think my interpretation is correct.

Hon. W. Oppal: The intention is not to cut people off from safe drinking water. What this section provides is: the government may stop providing water from a water system property, and the government is not obligated to repair a system that has been escheated that was not providing water at the time of the escheatment.

The government should not find itself in the position of trying to operate a system that is inoperable, completely unsafe or dangerous to health. In those circumstances, the government is required to give 30 days' notice to each affected property owner. But there is no intention on the part of the government not to honour its obligation to provide safe drinking water.

L. Krog: I certainly appreciate that we can always assume the government of British Columbia is very well-intentioned and would never do anything untoward to any member of the public.

However, having said that, the effect of bringing this section in is just the opposite. It does, in fact, allow the province of British Columbia to withdraw from the operation of a water system that is escheated to it — in the specific circumstance, I acknowledge, where on the date the water system escheated or vested in the government, the water was not being provided.

But that literally could mean the luck of the draw. You are providing water up to two days prior to the system escheating; the Crown takes ownership of it, by virtue of the escheatment, turns around and gives 30 days' notice; and the poor folks who are relying on this water system don't have any more water. I mean, that is the effect of this section.

[1050]

The government having brought in this section, I assume it means that it wants to have, if you will, a loophole. The loophole is that they can get out of operating systems like this. Surely it's the expectation of British Columbians that they will have access to safe, clean drinking water. I believe that's incorporated in

one of the five great goals — about a clean, safe environment or something along those lines.

I'm very curious to know if, in fact, the Attorney General disagrees with what I've just said about the effect of this section. This is an out, and I think British Columbians reading it — and you don't have to be a lawyer to read it — will read it as an out for government.

Hon. W. Oppal: This is a last-resort scenario. If the occupants of the property in question refuse to pay their share and they refuse to consent to the transfer of the property to a local government, under those circumstances the government would then have the right to stop providing water from that system property. It's only if the government would find itself in a position of trying to operate a system that is inoperable, completely unsafe and dangerous to health, and is not getting any assistance or cooperation from people who are living there.

L. Krog: Again, to the Attorney General: with respect to this particular section, are there other provisions — in a situation where the water system is not being operated properly, where it hasn't escheated to the Crown — whereby the Crown takes control of the water system for the benefit and for reasons of public safety and public health? In other words, is the only way that we get to take over the water system as the government through an escheatment, or are there other provisions?

Now, I appreciate the Chair may consider this somewhat out of order, but if I were a British Columbian relying on a private water system listening to this debate this morning, I think I'd want to know what the answer was, so I'm asking that very question, very specifically. In other words, in a situation where the water system is unsafe, is there some provision that allows the Crown to take over its operation pending escheatment, improvement, fining or whatever? In other words, what's the protection for the public here?

Hon. W. Oppal: What would happen, in the scenario or circumstances referred to by the member, is that the government could seize and take over the system, but only after an order has been given to the utility owner. If the utility owner refused to comply with it, then the government would seize and take over the system.

[1055]

L. Krog: With respect to that seizure of the system — and forgive my ignorance — would that be as a result of terms of the Escheat Act or another statute?

Hon. W. Oppal: That would be under the Utilities Commission Act and the Water Utility Act.

Section 5 approved.

On section 6.

L. Krog: Again, to the Attorney General, if he could simply explain to the House the effect of section 6 and what change it will mean in terms of the administration of estates.

Hon. W. Oppal: I wonder if I could have the hon. member repeat the question. It wasn't that I wasn't paying complete attention to what the member was saying.

L. Krog: I know that the Attorney General hangs on my every word, as I do on his.

I wonder if the Attorney General could simply explain to the House the effect of section 6 on estate administration in B.C. In other words, what will in fact be the practical, day-to-day effect?

Hon. W. Oppal: The effect here is that for estates that are small estates — small estates being those \$25,000 and under — the requirement that affidavits not be filed in those circumstances really means that there be no fees paid to those small estates. That's what it really means.

L. Krog: In support of the government members on the other side, then, I take it that this is a good-news announcement for British Columbians and that they can look forward to paying no fees in these circumstances.

Hon. W. Oppal: I thank the member for commending the government for a good-news announcement.

Section 6 approved.

On section 7.

L. Krog: Again, I wonder if the Attorney General could simply explain to the House the effect of section 7. As I understand it, both this and section 8 are essentially to clarify some legal concerns around the ability of the public guardian and trustee to approve settlements which would otherwise have to be approved in Supreme Court but now, because of the increased jurisdiction of the Provincial Court, in fact, fall under its purview.

Hon. W. Oppal: As the member knows, under the present Supreme Court Act and Supreme Court rules, where there's an infant settlement or an action regarding an infant, the practice and the rule is that the public guardian and trustee has some ownership and some role to play in the determining of lawsuits. When the jurisdiction of the Provincial Court, Small Claims Court division, was increased to \$25,000 from \$10,000, there left a void. This legislation addresses this void and allows the public guardian and trustee to make the same arrangement.

Sections 7 and 8 approved.

On section 9.

[1100]

L. Krog: With respect to section 9, it talks about striking out "screen a person for weapons" and substituting "search a person for weapons in the prescribed manner." I wonder if the Attorney can advise: what is the prescribed manner? Do we have a prescribed manner? Has there been a prescribed manner in the past, or has there been policy around searches in the past?

Hon. W. Oppal: "Prescribed" simply means prescribed by regulation. There is a protocol or a regulatory system under which sheriffs now conduct their searches.

I might add that this legislation has the support of the union that represents the sheriffs. I might also add that the intent of this legislation is to permit the sheriffs who are transporting prisoners, often prisoners who are dangerous, to have the same powers that people in the institutions have under the Correction Act.

Now you have a somewhat inconsistent situation where the people in the penitentiaries and the jails have the statutory power and authority to search prisoners, but once they are transported from the jails to the courthouses, the sheriffs don't have the statutory power, although there's some evidence that suggests that they have a common-law right to do those things. This legislation is designed to correct that.

Section 9 approved.

On section 10.

L. Krog: I wonder if the Attorney General could explain to the House what has motivated this particular amendment. Is it what he essentially answered in his previous answer — the previous section, in other words — that it is to correct this problem between those employed in the prison system themselves and the sheriffs who do the actual transporting of prisoners? In terms of motivating it, has there in fact been a problem that requires the government to intervene in these circumstances?

Hon. W. Oppal: What we're really doing in this legislation is codifying the common-law practice, the common-law provisions and authorities that the sheriffs have always had and also, as I said a moment ago, codifying laws that would be consistent with the powers that are set out in the Youth Criminal Justice Act and the Correction Act.

The second part of the member's concern is, is there a need for this? The answer is yes, in that the sheriffs have told us that there is an increasing incidence of contraband and an increasing feeling of insecurity and unsafe conditions when sheriffs are transporting prisoners from the institutions to the courthouses. The objective of this legislation is to ensure that court staff, lawyers and the judiciary all are working under safe circumstances and that the sheriffs who are entrusted

with ensuring safe courthouses have the necessary statutory powers to do their jobs.

L. Krog: Obviously, I think that everyone in the public appreciates the fine work done by the sheriff services in this province. It is a dangerous job, and it's a much underappreciated occupation, obviously, in our criminal justice system.

[1105]

However, this section clearly now creates a new power, it seems to me, to conduct strip searches. That's really what it amounts to. And it is, in my understanding of the Attorney General's response, in response to concerns that have been raised.

It strikes me, though, that if a prisoner is in a facility — under the control of the corrections officers, the RCMP, the police, whoever — then one would presume that they have been searched thoroughly already. When they are turned over to the sheriffs for transport to the courthouse or to another facility, is there such a risk of contraband being moved or weapons being in the possession of these particular individuals that it requires the creation of an entirely new statutory right to conduct a strip search?

Hon. W. Oppal: First of all, I agree with the member's assessment that strip searches are, perhaps, a most invasive form of a search, and in the circumstances, the law must be careful. The law must be sensitive when it authorizes and confers power and authority upon the police and other peace officers to conduct these searches.

But I must correct the member, with respect; these are not new powers. They've always had powers under the common law to conduct strip searches under appropriate circumstances where there are reasonable grounds to believe that there is contraband, so the sheriffs are not assuming any new powers. What the government here is doing is legitimizing and codifying the common-law powers that the sheriffs and the police already have.

The third part of the member's concern or question relates to whether or not there's a real need for this. I must say that many prisoners use quite creative ways of possessing contraband. Even though a prisoner is searched at an institution — at one of the federal penitentiaries, for instance — then is brought into a sheriff's vehicle and transported into one of the courthouses, often they have visitors, and they're subject to seeing other people along the way. It is that type of scenario that this legislation is designed to correct and address as well.

Section 10 approved.

On section 11.

L. Krog: With respect to section 11, it does seem to expand the power to make regulations respecting searches, to authorize different searches, etc., for different circumstances. Therefore, as I understand it — and

I want the Attorney General to comment — this is simply giving cabinet expanded power in order to make regulations and indeed make, I presume, what would be described as the prescribed manner in which searches will be conducted. Is that in fact the effect?

Hon. W. Oppal: Again, the concerns raised here are valid. I can assure the member that there will be regulations that will set out gender requirements to search, for instance. They would establish that such searches take place in a private area and that there be reasons for strip searches and the manner in which those searches will be conducted. As the member knows, a previous authority to make those regulations only related to members of the public entering the courthouses.

[1110]

Section 11 approved.

On section 12.

L. Krog: With respect to all of these sections, if it doesn't breach the rules of the House and doesn't offend anyone here.... With respect to sections 12 through 16, if I can just confirm my understanding, for the benefit of the public who I represent here today, that the purpose of these sections is simply to allow the government to make what one would describe as corrections and revisions without the necessity of doing a separate bill, and as long as all of these corrections and changes are made — whether it's errors of form or style, numbering errors, typographical errors — those corrections will only remain or be valid if, in fact, approved by the Legislature at the next sitting following that. In other words, this truly is as boring a piece of housekeeping legislation as you could possibly put forward.

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

Leave granted.

Introductions by Members

G. Hogg: We are joined in the House today by 45 grade five students and their parents and chaperones. They are dynamic, interesting and interested in what is going on here. Their teachers, Mrs. Sask and Mr. Durante, have been actively teaching them about all the wonderful things, so they're anxious to see the Attorney General respond to the questions of legislation that we have here today. They have assured me that the Star of the Sea Catholic School is the very best school in British Columbia. Would the House please make them most welcome.

Debate Continued

Hon. W. Oppal: I'm humbled by that comment from the member for Surrey-White Rock.

The answer to the question is yes. This is boring legislation. It is an omnibus type of legislation, and it is boring.

Sections 12 to 16 inclusive approved.

On section 17.

L. Krog: I appreciate that this is always a delicate matter — the question of appointments to the Electoral Boundaries Commission — but as I said in second reading to this legislation yesterday, it strikes me as quite remarkable that we couldn't find, in this wonderful province of over four million people, a qualified woman to actually sit as the third commissioner. We have numerous female members of the Supreme Court, but that's obviously a statutory matter. We have a Chief Electoral Officer who happens to be a male.

I guess that because we are being asked as legislators to approve these appointments — and no reflection whatsoever, I might add, on the service provided by Louise Burgart or by Mr. Ladyman in this situation — I'm wondering how extensive a search was made before this final decision was made with respect to the appointment of Mr. Ladyman pursuant to section 17(3).

[1115]

Hon. W. Oppal: I share the concern of the hon. member relating to the issue of gender parity, but as the member well knows, we did appoint a woman, and the Leader of the Opposition changed her mind for what I'm sure were very valid reasons. But in any event, the task then became somewhat more complex in that this legislation was to have passed on the 30th of November, 2005.

After the three persons were appointed — Mr. Justice Bruce Cohen, the Chief Electoral Officer and Louise Burgart — they, in fact, had a number of deliberations. It was only in February of this year that Miss Burgart resigned after the concerns were expressed by the Leader of the Opposition. At that time the task on government was to find some qualified person who was prepared.... We were indeed fortunate that Mr. Ladyman was available and was prepared to sit.

As the member knows, the obligations upon those who will sit on this commission are onerous in that it requires approximately 50 percent of the member's time over the next two-year period. For that reason, the task becomes difficult. I'm most grateful that we're fortunate in having three outstanding British Columbians who will sit on the Electoral Boundaries Commission and render a report.

Sections 17 and 18 approved.

Title approved.

Hon. W. Oppal: I move the committee rise and report the bill complete without amendment.

Motion approved.

The committee rose at 11:18 a.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

ATTORNEY GENERAL STATUTES AMENDMENT ACT, 2006

Bill 17, Attorney General Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

Hon. G. Abbott: I call committee stage debate on Bill 13.

Committee of the Whole House

INCOME TRUST LIABILITY ACT

The House in Committee of the Whole (Section B) on Bill 13; S. Hammell in the chair.

The committee met at 11:20 a.m.

On section 1.

J. Kwan: Before we start, I wonder if the minister could extend the courtesy of this House by introducing her staff first.

[1120]

Hon. C. Taylor: Hon. Chair, I'm very pleased to introduce the people who are with me. You will notice that there will be changes in staff as we go to different sections. Marcus Gill is directly beside me. Andy Robinson and Joann Cain are with us today.

J. Kwan: The section that I have questions for is actually section 7, Madam Chair, so we can pass the other sections and then go to section 7.

The Chair: Shall sections 1 through 6 pass?

Some Hon. Members: Aye.

The Chair: So ordered.

J. Kwan: My apologies, Madam Chair. Somehow I thought we were doing Bill 18. It turns out we're doing Bill 13 first. On that, actually, there is no section 7. So what I'm going to do is ask questions around the liability — the limited liability — which is section 2, if I might.

Section 1 approved.

On section 2.

J. Kwan: Section 2 deals with limited liability on the Income Trust Liability Act. I'm wondering, from the minister, whether or not she's concerned around long-term sustainability of income trusts. This is one component in dealing with the protection of income trusts. But are there any concerns related to long-term sustainability of income trusts? And if so, what is the minister planning to do about that?

Hon. C. Taylor: This bill has nothing to do with the assessment of income trusts per se or an analysis of their long-term sustainability.

J. Kwan: This bill — what it does is limit the liability of income trust unit-holders. It does that through declaring, of course, under section 2, that a beneficiary of the trust is not, as a beneficiary, liable for any act, default, obligation or liability of the trustee. That, in my view, has something to do with protecting or trying to protect income trusts and, by actually doing it, providing limitation around the liability for trust holders.

In that context there's some component, one would assume, that would extend to the notion of long-term sustainability of income trusts. The minister is saying that it has nothing to do with that. Is the minister concerned about that at all, if this bill doesn't address that component at all?

Hon. C. Taylor: In order to explain what this bill is actually trying to do, I'll draw a parallel. While it's not exact, I think it's something that people would understand.

With income trusts, the people who actually buy units are called unit-holders, in the same way as in a corporation, you have shareholders buying units. If a company goes bankrupt or disappears, and you have bought shares in that company, you will lose all of your money, but that's the extent of your loss. You are not then pulled into having unlimited liability for anything that may have gone wrong in the company.

With income trusts, the attempt here is to make sure that the unit-holders.... In fact, if their income trust does disappear, they would lose the whole value of their investment, but their liability would not extend further than that. So this bill is designed to protect consumers. It's not about protecting income trusts.

[1125]

J. Kwan: The bill provides for liability protection, if you will, for unit-holders. Who brought this matter to the minister's attention and urged the minister to act?

[H. Bloy in the chair.]

Hon. C. Taylor: This matter was brought to our attention by a number of sources — certainly, by investors, the legal community, people who were thinking about setting up income trusts. What we are doing is paralleling the same protection for unit-holders in Brit-

ish Columbia that they now have in Alberta, Ontario, Quebec and Manitoba.

J. Kwan: Yes, and did anybody, or any company or individuals, bring this specifically to the minister's attention, or was it just some routine work that was done by the ministry in terms of updating the act?

Hon. C. Taylor: It came to my attention as Minister of Finance as a report from staff based on the discussions they had been having in the community.

J. Kwan: And who were they having these discussions with in the community?

Hon. C. Taylor: As I said before, it came from a variety of sources. The legal community was one of the big ones because they are dealing constantly with clients who are thinking about setting up these income trusts, and they have a choice of where to set them up. If the rules give them more protection in other provinces, they will go to other provinces.

J. Kwan: What about folks from the financial community? Did they raise concerns with the minister?

Hon. C. Taylor: As I said, no one from the financial community raised any concerns with me. This came as a report from staff to the Minister of Finance.

J. Kwan: Did anybody from the financial community raise the issues with staff in the ministry?

Hon. C. Taylor: It's hard to explain how broad this is in terms of everybody wanting this to happen. So certainly, real estate associations talked about it. Again, the legal community was dominant, and various other associations that are involved in trying to set up these income trusts.

This is regarded as pretty routine because it's just extending to unit-holders the protection that resembles what shareholders have as protection in companies, and it's now in four other provinces across Canada. Our staff looked at the examples across Canada and believed that we should be in harmony with other governments.

[1130]

J. Kwan: The opposition.... Let's be clear. We're in agreement with this act and the changes, because it does provide for protection to the investors. It would seem to me that because it's protection to the investors, it would provide a better climate for investors. Therefore, it may actually act to encourage investors in coming forward to British Columbia. That's a good thing. That is why I wonder, from the financial community.... I would have thought that, from the financial community, they would have said something to the ministry around this issue and might have prompted the ministry to act.

From the way it sounds, the general answer that the minister so far has given — and she has been able to

name two groups, if you will — is that the legal community as well as the real estate associations brought this forward. Those are the only two groups that the minister has been able to identify which the staff had been in contact with. That actually surprises me a little bit, I have to say.

Of course, the legislation is an important one in that it does provide for protection for the unit-holders which, of course, enhances opportunities for investors, because that's what unit-holders are. So when I asked the question around sustainability of income trusts, it's tied into that, because without investors coming forward, income trusts can't be sustained. So anything you can do to provide for a better climate for investors in this instance would make sense.

Therefore, it would follow that one would want to look at the long-term sustainability of income trusts beyond this act, which is why I asked the question — whether or not the minister is looking at that — to which the minister has not provided any answers.

Related to that issue, of course, is the issue around full disclosure and whether or not there are plans for full disclosure in terms of income trusts. Again, I know it's not necessarily related to this bill, but it's tied to the investor climate. That's important for income trusts. So I wonder if the minister could comment on that.

Hon. C. Taylor: These are, of course, regulated through the Securities Commission.

Sections 2 to 6 inclusive approved.

Title approved.

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

The committee rose at 11:33 a.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

INCOME TRUST LIABILITY ACT

Bill 13, Income Trust Liability Act, reported complete without amendment, read a third time and passed.

Hon. G. Abbott: I call committee stage debate on Bill 18.

Committee of the Whole House

FINANCE STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 18; H. Bloy in the chair.

The committee met at 11:34 p.m.

Section 1 to 6 inclusive approved.

On section 7.

[1135]

J. Kwan: Section 7 repeals the provision that had placed restrictions on access to corporate share registers in the Business Corporations Act. On this section, what the government is doing, which I think is important, is correcting a mistake that the former Minister of Finance, Gary Collins, had made back in March 2004, when the government introduced section 47, which restricts the access to corporate share registers. So this is a welcome change in terms of the government bringing this forward.

Could the minister please advise this House: how did this issue actually get brought up as a matter that needed to be addressed by the ministry?

Hon. C. Taylor: This is an important section, and I'm glad to stop and talk about it a bit. When the change was made to the Business Corporations Act, there was an attempt to harmonize with the federal government's directions and their rules. In doing that, the federal government is more restrictive than a number of provinces in terms of issues like accessibility to shareholder lists.

When there was reaction against this particular section, the former Minister of Finance wanted a determination on whether or not the Privacy Commissioner had been involved in suggesting this change and what his opinion would be. Having received that report, I looked at the report, and the Privacy Commissioner said two things. First, it hadn't been his suggestion that this be done in this way, and second of all, he didn't feel that there were any major privacy issues if we returned to the former Company Act on this particular issue.

I've read the report. I believed that it was important to make this change, and so I'm bringing it forward today so that the list of shareholders will be accessible to everyone.

J. Kwan: In the minister's second reading comments the minister said: "This approach has been criticized as being too restrictive and as having a negative effect on corporate transparency." Could the minister please advise this House who had criticized this as being too restrictive?

Hon. C. Taylor: Since it was before my time, I will go from reports that I have received. In part there were members of the media who felt that their access to this information had been limited, and it didn't make sense. Also, I understand that staff have had conversations with bankruptcy trustees and other people in business who felt that this was an infringement on their right to access the shareholder list.

Given all of the information and the fact that the Privacy Commissioner did not feel that it was a problem from his point of view, that's why I brought this forward today to repeal section 47.

J. Kwan: Part of the issue related to this, of course, is that it may be easier.... When the government brought forward section 47 of the Business Corporations Act, it actually created a scenario where people with questionable backgrounds potentially were able, then, to hide behind companies, and also, that had an impact on investor confidence. Was that an issue for the minister when she considered bringing this section of the act forward to repeal section 47?

Hon. C. Taylor: It was simply a matter of trying to look at this particular section of the bill and saying: what is the purpose of it, and is it meeting the needs of community? I happen to believe that the shareholder list should be public information, especially given the fact that the Privacy Commissioner had no concerns about it.

Just so that we don't think this is a particularly nefarious plot on the part of this government to have changed the Business Corporations Act, I will remind the member that Bill 85 — which was an NDP bill, in fact — was brought in to update the Company Act. It received royal assent in 1999 — so before this government. It, in fact, contained share register privacy provisions that are very similar to those in the Business Corporations Act that came into force in 2004.

This is not a new idea. The idea had first come forward by the NDP. It was then, again, in the new Business Corporations Act that this government brought in. Because we had an opportunity to ask the Privacy Commissioner if he felt that it was a problem, I made the judgment as Minister of Finance that we could return to the unrestricted access of shareholder lists.

[1140]

J. Kwan: Yes, it was the NDP who brought in the changes. It was this government, though, under the former Minister of Finance, Gary Collins, who repealed that section of the act. Hence, now we're bringing it back to what it was, which is why I'm trying to figure it out, in terms of the issues. Because at the time when section 47 was brought forward, there were observers who were concerned about that in terms of access to information and transparency, and that was ignored by the government.

On the issue around the freedom-of-information commissioner's point of view. Yes, the freedom-of-information commissioner's point of view was such that he didn't have concerns around bringing forward this bill now to repeal section 47. One would have assumed, too, that when it was first brought in by the previous government, the freedom-of-information commissioner, in terms of not limiting access, would have had comments about that, would have reviewed that action.

Really, around that issue, the freedom-of-information commissioner's point of view was not the reason why section 47 was brought forward. He didn't request it. Prior to that, before section 47 was repealed, the freedom-of-information commissioner didn't have any problems with the previous act, so it would follow, one would assume, that he currently would not have problems with repealing section 47. So that's really not that relevant.

On the question that I'm wondering about: is the minister or the ministry aware of any incidents whereby companies might have used section 47 as a way to hide behind transparency that created issues in the investment world? I'm curious about that and whether or not that was an issue the ministry had to grapple with.

Hon. C. Taylor: Not to our knowledge.

J. Kwan: On this question, then: once the section of the act is repealed, after the passage of this act in this House, could the public get access to this information prior to that date? In other words, is the application of this bill retroactive to the last two years, when section 47 was brought forward?

Hon. C. Taylor: Because it is the share register that is now open, anyone who wishes to access it would see the share register, which shows a running account of the changes. So you would be able to see it retroactively because the register is open.

J. Kwan: That's helpful. Thank you.

The liability issue. Did the government face any liability issues as a result of bringing forward section 47 formerly?

Hon. C. Taylor: No.

J. Kwan: I'm going to move to section 63 and then ask the question around section 63, Mr. Chair.

[1145]

Sections 7 to 62 inclusive approved.

On section 63.

J. Kwan: Section 63 makes it an offence for an extraprovincial corporation to contravene the Business Corporations Act and for a director or officer of an extraprovincial corporation to authorize, permit or acquiesce in an extraprovincial corporation contravening Business Corporations Act.

Could the minister please advise whether or not it has come to the minister's attention that there might have been an offence in relation to the Business Corporations Act?

Hon. C. Taylor: No. This was not done because of any awareness of any problems or an offence. It's just

housekeeping — trying to move everything to include the Business Corporations Act.

J. Kwan: What is the penalty that applies if someone is found to have been in contravention of this act?

Hon. C. Taylor: In terms of the offences and penalties, the section reads: "A person who commits an offence under section 252 (2) (b), (d) or (g)" — and now we're adding (h) — "or a prescribed provision of the regulations is liable (a) in the case of a corporation to a fine of not more than \$5,000, and (b) in the case of an individual to a fine not more than \$2,000."

J. Kwan: Thank you very much. Where does it state that? I'm sorry, is it in this act, or is it in some other act?

Hon. C. Taylor: It's in the Financial Institutions Act. This is an amendment to the Financial Institutions Act.

J. Kwan: The process around deeming an offence, which I note in section 256... I know we're not discussing section 256 at moment, but am I assuming correctly that if someone was found to be potentially in violation of the act, then the normal course of dealing with that matter would be through the judicial system, through the courts? Or is there a separate tribunal that deals with that?

Hon. C. Taylor: This amendment isn't dealing at all with the questions that are being asked in terms of what the procedures are under the Financial Institutions Act. This simply adds the extraprovincial financial institutions to the list.

J. Kwan: Thank you, hon. Chair, for the ever-helpful Minister of Finance. I guess we can go to section 256, and I'll ask that question there.

Sections 63 and 64 approved.

On section 65.

J. Kwan: Section 65 deals with section 256 of the Financial Institutions Act, which states: "If a person is convicted of an offence under (a) this Act, (b) the *Company Act* as it applies for the purposes of this Act, or (c) the *Business Corporations Act* with respect to an extraprovincial corporation, the court may, in addition to any punishment the court may impose, order the person to comply with the applicable enactment."

The same question applies that the minister wouldn't answer earlier.

[1150]

Hon. C. Taylor: Again, these are really housekeeping issues that are just replacing the old Company Act with the new Business Corporations Act and adding extraprovincial financial institutions. As the member opposite has read, you can see what section 256 does. It allows the court to order compliance.

We're not changing any of this. What we are just saying is that the Company Act is now being updated, or has been over the past few years, by the BCA. Whenever we see references to "Company Act," we're changing it to BCA, and we're adding extraprovincial financial institutions.

J. Kwan: As it relates to the Business Corporations Act, which is a new provision that's being added in this act, I'm curious to know, given that's the case with this new provision around the Business Corporations Act with respect to an extraprovincial corporation... It is a violation if someone contravenes that. So what's the process in terms of charging someone around that? Is it just normal court proceedings — that one would actually go to the courts? I think it's a pretty simple question to the minister.

Hon. C. Taylor: It is normal court proceedings.

J. Kwan: That was very helpful, indeed — simply just to get clarity on that. I don't think it was that difficult.

The penalties that applied, which the minister mentioned... It would be up to the court to decide, then, in terms of the penalties that the minister put on the record earlier?

Hon. C. Taylor: For these specific offences it is the court.

J. Kwan: Just to put on the record, we are in support of improving corporate disclosure and transparency, and of course, we are very much in support of this direction. It was a mistake, I think, when the former Minister of Finance, Gary Collins, brought this forward back in March 2004. Yes, as the minister had identified, it is interesting to note that the group that put pressure on the government to move forward on this happened to be the media — one component of that. It's very interesting to note how one gets action with respect to this government.

Sections 65 to 82 inclusive approved.

Title approved.

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

Motion approved.

The committee rose at 11:53 a.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

FINANCE STATUTES AMENDMENT ACT, 2006

Bill 18, Finance Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

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

Hon. G. Abbott moved adjournment of the House.

Motion approved.

Mr. Speaker: This House stands adjourned until 2 p.m. this afternoon.

The House adjourned at 11:55 a.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF EDUCATION
AND MINISTER RESPONSIBLE FOR
EARLY LEARNING AND LITERACY
(*continued*)

The House in Committee of Supply (Section A); D. Hayer in the chair.

The committee met at 10:14 a.m.

On Vote 24: ministry operations, \$5,195,667,000 (*continued*).

Hon. S. Bond: If I might, there are a number of items that I just want to clear off. My preference, with the fabulous staff that I have, is clearing these issues off as quickly as possible so that we can return to the mainstream work that we do.

Last night a member asked us for a number of outstanding issues from November. We wanted to make sure that we went back and clarified the record about that, so I'll just quickly read into the record the actions that were taken from the requests that were given in November.

First of all, the issue around Vancouver inner-city-school parents. There was a letter sent on October 7. We responded on October 24, and I have provided an additional copy of that.

The second issue was support workers and the review of the Community LINK allocations with the superintendent. We're happy to report that Vancouver is one of seven districts participating on an advisory committee regarding Community LINK.

[1015]

The third issue is junior kindergarten programs in inner-city schools. The member offered to send us some information. We're not sure we actually received that, but we've been doing a great deal of research about early learning and literacy and are looking at the model of junior kindergarten. Certainly, if the member would like to add information to that, we would be delighted to receive it.

Fourthly, a request about a meeting with the Vancouver school board, particularly about junior kindergarten. As the member opposite knows, we are currently travelling around the province. I was in the Vancouver school district recently. I did not meet specifically with the board but will be expecting to do that and will make that an agenda item when we meet with the Vancouver board.

Fifthly, the member wanted to know whether the minister — meaning me — would meet with the HIPPIY organization. That meeting did occur on December 13.

The final issue at that point was the cost for re-examination. Could that be revisited? In fact, details on re-examination were given to the opposition critic in a binder of other information during estimates.

We think that clarifies the issue of information from the earlier estimates to date, and we have the information copies of that here today.

M. Farnworth: I'd like to take a few minutes to address some of the issues facing my constituency of Port Coquitlam-Burke Mountain with the minister. If she'd be able to provide answers, I'd be most appreciative.

One of the key programs that the government has talked about and has been funding has been the issue of earthquake upgrades. I'm wondering if she can tell me if that program is still on track and on schedule and what the current time line is for it.

Hon. S. Bond: The seismic mitigation program is underway. It is a commitment to invest \$1.5 billion over 15 years to seismically upgrade over 700 schools in 37 districts across the province to ensure the safety of our students. The highest-priority schools are being addressed first. We've fast-tracked seismic projects at 95 high-priority schools and have budgeted \$254 million for these improvements in the fast track over the next three years.

M. Farnworth: Have any studies taken place into the impact of the cost of rising construction materials and labour on the ability of the government to meet the targets around the \$1.5 million?

Hon. S. Bond: Certainly, we've had this discussion around other capital projects, as well, over the last number of days. Yes, there has been an impact in terms of the construction boom in British Columbia. Most significant in terms of those cost estimates is the increase in prices of concrete and steel, in particular.

Those are issues that we are dealing with. We are looking at ways that we can find efficiencies in terms of the packaging of programming and how we can best deliver this program. Our commitment remains the same, and we are expecting to manage the seismic projects. We're going to do that effectively over the next, as I suggested, 15 years, and our commitment remains the same.

[1020]

M. Farnworth: One of the major concerns that parents, teachers and school boards in my constituency

and in school district 43 have is around the fact that it appears — from the way the construction costs have risen and from the shortage of labour and the pressures being put on construction in general and not showing any signs of abating anytime soon — that it is going to cause the program to fall behind. It's going to be extremely difficult for the government to meet its target of the number of schools built.

For example, there are three schools that are of particular concern to the parents in my district: Pitt River Middle School, Mary Hill Elementary School and Minnekhada Middle School. The question I have is that the funding that is currently there is not enough to allow the school boards to do their top priorities. Where once they figured that they could do eight or nine schools, what they're seeing in terms of cost increases is that that's being cut. They're going to have to cut that down to five schools or four schools. So clearly, it's already starting to have an impact.

Hon. S. Bond: The member opposite brings a valid point to the table. The fact of the matter is that we will continue to meet the commitment around the number of schools that we committed to. As I suggested, that's 700 public schools in 37 districts. We're currently working very hard with individual districts about individual school projects to sort out how we can continue to move this forward as quickly as is possible.

I'm sure the member opposite knows that we do build contingency costs into every single project. The question is: will the contingencies cover the size of the increase? It is very much a balancing act. The other thing that we're attempting to do is look at schools that also require renovation or other capital projects at the same time so that we can make very efficient use of public dollars.

One of the schools that the member opposite mentioned.... I think it's Minnekhada. We're just looking at that now in terms of information. We think there may be a reno issue there as well. Again, that's a project that we would look at in terms of both of those components and see how to move it ahead more quickly.

Certainly, we know that we've already fast-tracked seven out of ten projects, I think, in the member opposite's district in terms of the seismic program, and we're working on the other ones. So it's absolutely a challenge because of the economy in British Columbia. The commitment remains the same, and we are working with districts in terms of the timing of the projects and also on how we can better work together as districts to try to reduce some of those additional costs.

M. Farnworth: I thank the minister for her answer. I'll pursue a couple of the projects with her independently outside the estimates process.

I do have a question, though, around one of the issues that's been raised at the school district level. That is the question of utilization of a particular school in terms of the overall capacity; 70 percent, I believe, is the figure for capacity of students that's required for a school to be upgraded.

There are cases, particularly in a number of districts, where the demographics are skewed slightly. So you can have a high utilization rate in much of the district, yet there will be a portion of the district where that's not the case, and the school there needs upgrading. Can the minister clarify how that school qualifies for earthquake upgrading?

[1025]

Hon. S. Bond: The member is referring to a capacity threshold that is, in particular, in place in elementary schools. Let's use that as an example. That's for the building of new buildings. There is actually a 95-percent capacity threshold, so the member opposite is accurate with the policy framework for which those decisions are made.

We handle seismic differently, because obviously, our first concern is the safety of the students. In that case the evaluation that would be done would be done on a school-by-school basis. It would also, though, take into consideration the long-term utilization of the buildings. We have to balance, obviously, the immediate safety needs of the students under the seismic program.

The question then becomes: is a renovation for a long-term use appropriate as well, or do we need to make some short-term renovations — those kinds of things? In essence, two different ways of looking at those projects. Seismic safety comes first, and when you're building a new school, the capacity threshold is 95-percent utilization.

M. Farnworth: I'm going to turn it over to my colleague now, but that particular issue is proving to be a challenge for a number of school districts, so I would ask the member to look at that. I now turn it over to my colleague.

Hon. S. Bond: If I could, the other issue is.... My staff would be happy to discuss the individual schools. We could make those arrangements for you to do that at any point. If the member opposite would care to bring the specific seismic concerns, we could also address those as best we can.

J. Horgan: This is a delightful segue. Speaking on the same subject area — my colleague from North Coast, of course, is in Prince Rupert, unable to join us for estimates because of the tragedy of the sinking of the *Queen of the North* and the disruption to the community he lives in — the minister and her staff will know that the Prince Rupert *Daily News* reported on March 13 that Conrad School and Kanata, two elementary schools, number one and number two on the district's priority list for seismic upgrades, were overlooked as result of the occupancy or capacity quotient.

I just want to read a quote from the secretary-treasurer, Dan Rodin, from district 52: "They approved Prince Rupert Secondary School, which is a moderate-high priority. The province suggested to deal with undercapacity schools with seismic problems is to redistribute students." I want to ask the minister if she could

comment on that. Why would it be that the ministry would overlook the request of the district and go with a third priority?

Hon. S. Bond: We'd be happy to have that question. If the information could be given to us, my staff would be happy to look at that. Certainly, in the five-year capital plan summary that we have, Conrad Elementary School — an upgrade reno — is actually third on the priority list of the plan that we have. Obviously, we need to have some discussion about whether this is a capital or a seismic issue and how the two might be connected. We are happy to take the information and get back to the member.

[1030]

J. Horgan: I appreciate the minister's overture, and I'll certainly do that. According to the information that I have, not just in the news report but from discussions with the member for North Coast, these are two seismic cases. That's why I wanted to follow on the member for Port Coquitlam-Burke Mountain.

Just on the question of capital, I have a number of my colleagues, as I suggested earlier in these discussions, who have schools and projects in their district that they would like updates on. If I could.... Again, as we've agreed, I'll have the opportunity to sit down with senior staff and take a whole look at the 33 of us on this side and the projects that we're interested in. I think that would be very productive time, for me certainly, and we won't be chewing up valuable estimates time to do that.

I'd like, then, to go back to the school-centred learning model that we left off last night. I'm hopeful that we'll be able to raise some of the issues that we've been advised of and, also, some that were discussed at the February 1 meeting with senior ministry staff and officials from around the province. These challenges and concerns were raised at the meeting. The documentation raises the questions but, sadly, doesn't provide the answers to us. I'm sure they were discussed thoroughly and canvassed by those in attendance.

It's our objective, with the time remaining this morning, to go over those issues so that the public can have some comfort that there are genuine concerns in the community and that we're all working together cooperatively to solve those.

I'll give way to my colleague from Kensington, because he has to be in another place shortly.

D. Chudnovsky: Good morning to you, Chair, and to the minister and her staff.

I wonder if I could just very quickly say that I would ask that the capital plans for John Oliver Secondary School be put on the list so that we just get a sense of where that's at. There needn't be an answer immediately. I just would want that to be.... That's in my constituency.

I have a short observation to make and then some questions about the school-centred learning issue. My observation has to do with having experienced this

process yesterday and the day before as a kind of a spectator for part of the time and noting that there is a debate about how to describe what's happened in the public education system in B.C. over the last four or five years.

The minister's description — and she's repeated it a number of times — is that over the last four or five years, and certainly now, more money is spent on education. There are greater resources in public education in B.C. than ever before. The minister reminds us of that. On this side we remind the minister and others that there have been dramatic cuts in programs in B.C. public schools over the last four or five years.

My observation is simply this: this debate and disagreement is, in the end, judged in the court of public opinion. We are very comfortable with our description of what's happened over the last four or five years in the public schools of the province, and we are very confident that in looking at the situation in schools, the public is equally comfortable with our description.

I want to go to the issue of what's been described as school-centred learning and begin with, again, an observation. I've been teaching since 1972 in public schools, and you know, these ideas go in and out of fashion. Sometimes they're in vogue. There's a kind of.... I wouldn't want to use only the word "fad," but there are fads in education, and I spent a minute or two just earlier this morning thinking about some of them that I've experienced in those 30-some years since I started teaching.

[1035]

There are open classrooms. We've had the phonics movement and the whole-language movement; all-year schooling and Copernican timetabling; audiovisual learning — which I remember, when I was a young whipper-snapper, was going to change the world; team teaching; computer literacy; Montessori; experiential learning; the movement for relevance; site-based management; school-based budgeting; school-centred learning; skills approaches; and skills-based initiatives. There are many, many more.

I guess the lesson for me is that maybe we can take a little bit out of all of these approaches, but we better be careful. We better be careful about seeing them as answers in and of themselves. They often get presented as the answer, but they aren't often the answer in and of themselves.

The minister will be aware that this approach of what she calls school-centred learning is part of another one of these perspectives that's in vogue in some circles today — not quite as in vogue as it was a few years ago, but nevertheless in vogue — both nationally and internationally. These approaches have been tried and used in a number of jurisdictions.

Can the minister let us know what the ministry sees and what she sees as the pitfalls, the things to watch out for, the limitations of the school-centred learning approach?

Hon. S. Bond: I certainly enjoyed listening to the member's opening statement, in essence, which refer-

enced the fact that there has been a lot of public debate and differing views about education. I would suggest that that has always been the case. That didn't start in 2001. It certainly won't end in 2009 or '10 or '11. There has always been debate about public education.

I can assure you that when I was a school board chair under the member opposite's government, there was lots of debate. Many of the "fads" — and that is the member opposite's choice of words, certainly not mine — that we had to experience as a school board were under the member opposite's government's mandate. So I think that to suggest the debate started in 2001 in a particular way is only part of the picture. There's always going to be debate about public education, and that's a great thing, because one of the things that it tells me is how much everyone cares about public education.

The member opposite talks about the school-centred leadership, and I don't actually think it is a fad to believe in the principle of a mutual community approach to how you make decisions in schools in this province. I don't actually think that's a fad. I think that's fundamental. I think that making the assumption and the belief that parents are partners in education, making sure that we have teachers who have an ability to participate in that decision-making is not about a fad. It's about a fundamental principle about how better to make decisions.

While there may be models that embrace some of those principles, we're simply saying that we believe there should be a collaborative and community approach to how that decision-making is done.

In terms of the limitations or concerns that may exist, well, we know that there needs to be a significant buy-in at the school level for this to actually work. That's why we suggest that districts who are interested should come and talk to us about being involved in the pilot that we're conducting. From our perspective, we also know that there needs to be a strong vision and leadership from the district level as well.

There are challenges with the process, but we think that one of the things we're doing is providing resources, training and opportunity. Most importantly, we're saying: "If you're interested, we'd love to help you try this."

[1040]

D. Chudnovsky: Certainly, I don't think I said.... If I gave the impression that the debate over education structure, policy, strategy began in 2001.... If I gave that impression, it was not meant to be given. I think that my words didn't indicate that, but perhaps in some other way I gave the impression that educational debates started in 2001. I know I've been involved in debates around educational policy and philosophy long before 2001, and more to the point — and the minister makes a good point — I was involved in educational debate.... And not just me. It so happens that I've been involved in educational debates and discussion at times when there have been Social Credit governments, NDP governments and Liberal governments in B.C.

Even further, I think that it won't be a surprise to anybody that even inside the NDP today — right now, in 2006 — there is and should be debate about educational policy. So no, it didn't start in 2001; nor should it have stopped in 2001. We should continue to have those debates.

One of the debates — and it's a very relevant debate — is just how parents' rightful and legitimate desire to be partners in education should express itself. There's actually debate about that. The minister presents as a foregone conclusion that the way for that to happen — or presents as the best way, it seems to me, for that to happen — is through a system that she's championing and putting forward. I would argue that there's a debate to be had about that. Maybe that's a good way for parents to express their legitimate and necessary desire to be partners in the system. Maybe it's not the best way. There can be a debate about that, actually. Those on the side of the debate that may not be as enraptured with school-centred learning have no less a commitment to parent partnership. It's a question of how that parent partnership gets expressed.

Back to my question, which I don't think was answered. I'm sure the minister and her staff are aware of the very debates and discussions — there's an international literature and an international experience — about the kind of proposition that she's making for schools in B.C. that includes those who support, as she does, this notion of school-centred learning. It has different names in different places. There are people who put that forward as a good approach, and there are those, based on their experience and also their academic work, who see some limitations and pitfalls. Surely the minister and the ministry have talked about that literature, have talked about that experience and can help us by explaining to us what they see as the potential pitfalls and shortcomings.

Hon. S. Bond: Well, in fact, I did answer the question in terms of buy-in and how we have the district leadership that's necessary and a number of those factors.

The member opposite makes it sound like we're creating something that hasn't existed successfully in British Columbia. What is the member opposite saying to the school districts that actually use this model now — that somehow their opportunities are less than they are in other parts of the province? Are they saying to parents who were involved meaningfully there that somehow that isn't effective? In fact, this works in school districts currently in British Columbia, and students are showing outstanding results in that district as they are in many districts.

It is unfair of the member opposite to characterize this as fad or fashion when districts and professionals and parents use this every single day in this province already. The program that we're suggesting is voluntary, and we are learning every day from the example that already exists in this province.

Finally, to go back to the discussion about the role of parents: we are talking to parents about what they think is the most appropriate role. But I can assure you

of this: we believe that it needs to be meaningful, genuine and have substance. For some parents, that may well be a fundraising role, a support role, reading to a child or, indeed, it may be a decision-making role with a school planning council.

[1045]

D. Chudnovsky: Well, I'll try one more time. Is it the case that in looking at this approach, which the minister clearly has some enthusiasm for, as she has every right to have...? Is it not the case, in putting forward this system, this process, for school organization, that the ministry has looked at the international literature and noticed that there are some pitfalls, problems and challenges that have been repeatedly referred to in the international literature? If the minister or the ministry has done that investigation, can she share it with us? If they haven't, would she let us know that?

We'd be surprised on this side, but sometimes people do things, and sometimes they don't. What understanding and knowledge have the minister and the ministry got of the international literature on organizations of this kind with respect to the pitfalls and challenges?

Hon. S. Bond: The member opposite well knows, from his time and experience in education, that our ministry staff research all of the things that occur — not only in Canada; we look around the world. The really good news is that right now we don't necessarily have to look much farther than school district 57 and the other districts in this province.

[H. Bloy in the chair.]

We see a model that works, and to assume or suggest anything else is quite surprising. The message that's being sent to districts who use the model significantly for a long period of time... We see in British Columbia a model that works for a couple of school districts, and others that are well on their way, and we're simply saying this: let's be clear. If you are interested in participating, we would love to work with you. If not, you will carry on the way that you have. We're simply saying: it works in some school districts; why wouldn't we suggest that others have that option?

D. Chudnovsky: Let me finish, then, with this. The minister has put forward a perspective about which she has tremendous enthusiasm, and that's to her credit. Enthusiasm is always to be looked for in the development of government policy. I would put on the record some things that the minister has chosen not to, just very briefly.

In my reading of the literature on schemes like the one that the minister is extolling, there are a whole series of challenges and pitfalls, based on experiences of schools and on the academic work that's been done. Among those — this is not nearly an exhaustive list — are problems with time available for parents to participate in such schemes. That's a fundamental pitfall and challenge that's been noted in the literature. A second

is that there is a social class-based divide in terms of parents' ability and time availability to participate in these kinds of schemes. That's a challenge. The minister or ministry are either unaware of that, or the minister has chosen not to tell us about it.

There is in the literature a concern about school-based decision-making that allows for particular principals to push particular priorities in particular schools. There is a concern about school-to-school inequity. There's a concern about parents and particular interest groups bringing single issues to schools and pushing those single issues.

Will that happen every single time? Of course not. Is it the case that we have to be well aware of the pitfalls and concerns and challenges that are attendant on every single reform that we do in the school system? I think so, and so I present that as a beginning list.

I encourage the minister and the ministry to have a look at those issues, to take them seriously in the midst of their enthusiasm for this organizational scheme that they put forward. In the midst of that tremendous enthusiasm, have a look at the pitfalls, have a look at the experience and see what we can learn from them.

[1050]

Hon. S. Bond: First of all, I know that this is just a matter of semantics, but I think that in many ways the comments about school districts who have chosen to use a particular model to best serve their students and referring to it as a scheme I think brings certain comment. In fact, the students in school district 6, Rocky Mountain, and in school district 57, Prince George, are being well served by the choices that their districts have made. I think to suggest that the model is plucked out of thin air, that it's a scheme... In fact, we're saying this: that students are being well served. There's a model that's working in some school districts. Maybe we should consider whether or not other districts are interested in pursuing that.

The issue about tackling those issues head-on around parent involvement — you bet we're going to tackle that issue. I met with 47 DPAC chairs on the weekend. This was a topic of discussion. But should the member opposite even be suggesting that perhaps we might not want to consider this because parents have issues with time? That's up to parents, and one of the things we're going to do is we're going to have a discussion about what roles parents choose to have in the school system. In fact, we legislated the ability for parents to be involved in the school system, and we're proud of that. We see school planning councils that work in the majority of schools across this province, because parents choose to make that investment in time.

Are there areas where that's a challenges? Absolutely. Does that mean we shouldn't do something of that nature? Of course not. It means we need legitimate and thoughtful dialogue with parent organizations about their interests in the public school system. I can assure the member opposite that I will continue to be enthusiastic about that. I will continue to dialogue

about that. I think the rights of parents are fundamental, and we need to talk to them about the roles they would choose to play.

The Chair: May I remind all members that comments should just be made when you have the floor, to extend courtesy to everybody.

D. Chudnovsky: Just to repeat one point that I made earlier. Certainly, I am one — and I would speak, I think, for this side of the House, but I'll speak only for myself — who has been a supporter of parent involvement and parent participation and parent power in schools for more than 30 years, on the ground — not in theory, not in some office, but in classrooms and schools across this province, in Ontario and in England; one who has worked tirelessly for parent involvement, parent participation and parent power in the schools. The point is that there's more than one way to express that participation, involvement and power, and that's the debate.

Hon. S. Bond: There is no debate on that point. We say exactly the same thing. Parents will choose to be involved in school planning councils. They will choose to be involved as DPAC chairs and, in fact, parents will choose to be involved in student-centred leadership. That's parental choice. We're going to have a discussion, and we're going to make sure that they have increasing opportunities in the system.

J. Horgan: The minister said school district 57, school district 6, and I know from my discussions with the superintendent and the chair in Okanagan-Skaha.... They have an innovative program there with respect to special needs funding and a school-centred model that they argue is working successfully. I have no reason to doubt that. The minister's referenced a number of times over the past few days many, many, many districts that are participating in a model similar to this. Could she articulate beyond those three what other districts are doing that?

Hon. S. Bond: First of all, I did not imply many, many, many. I've only visited, in the last six months, seven or eight school districts. I simply referenced the fact that in addition to two that have longevity, there are other districts who use components. One of the districts, and I referenced it already, was Howe Sound. That is a school district that operates very much on this principle.

Again, it goes back to the whole importance of this particular model. People discover on their own and districts discover on their own that this may well be a way to better serve students, and they have moved in that direction without a suggestion from this government that there be a pilot project.

[1055]

J. Horgan: I certainly agree and embrace innovation. I agree and embrace new techniques and ap-

proaches, but I think it's important that the minister and her staff recognize — and I know that they do, but I think it's worth saying, nonetheless — that the system has worked fairly effectively for decades. We can always tweak, and we are tweaking.

My colleague from Kensington talked about fads, and I agree with the minister that sometimes our language could be better chosen, but when we're in the business of talking, quite often we talk more than we necessarily should, and we use language that we might not necessarily appreciate after it's come out of our mouths. But the things I'd like to talk about today in the time we have available are the challenges to these innovations and the challenges to change.

One of those is entrenched interests — if I can use that language that might be understood on the other side — like organizations, whether it be unions or the BCSTA, principals or vice-principals, BCCPAC or individual PACs and DPACs. They have concerns and issues. They're not all going to have the opportunity to raise them with the minister and her staff as she and the Premier travel around the province. That's not because they're being excluded deliberately. It's just because that's the way it goes.

The minister has already said that her schedule is tight, and I certainly understand that. She's going to go where she can get to, when she can get there, and she's going to meet who's available when she's there. But there are going to be people that are not at the table when she arrives — for a thousand different reasons, not exclusions. I want to be clear that I'm not suggesting that people are being excluded when the response comes to this question.

There are challenges. One of the fundamental issues, as we look at Rocky Mountain, Prince George and Howe Sound, is that these are smaller districts, and the school-centred model may well work in smaller districts. In fact, the literature I've looked at says that the ideal model for a school-centred system would be one high school, two or three middle schools and a half-a-dozen elementary schools.

When we start to get larger numbers, the issue of competition that I raised yesterday comes in, and my colleague from Kensington talked about class or economic status as being an issue. So my question would be to the minister: when we're looking at large districts like Coquitlam, Vancouver and Surrey, has the minister contemplated the challenges that this sort of model creates in those districts and, also, the entrenched interests that are agitated by the mere discussion of this?

Hon. S. Bond: First of all, any time you talk about change, people have a degree of discomfort, and that's natural. Our whole goal is to actually talk to people about where education needs to move, not just today but in the future, and to even think — and I'm not suggesting the member made this comment — that the education system we have today would be the same five years from now just simply isn't accurate. Technology alone and the way that the demographics of this province will force change....

What we're saying is: "Let's look at positive change. Let's talk about that." We're out talking in unprecedented ways. We've never had DPAC chairs together to actually talk about issues, and they are the representatives for thousands of parents in this province. We're going to talk to students in groups. We're going to talk to districts. We're going to have a discussion about the future of public education, and despite the discomfort it causes, it's the appropriate and responsible thing to do. We're not satisfied with the status quo for our children. We know that it's demonstrating outstanding results, but we know that there are 21 percent of our children who still need some additional help, so we want to look at how to do that.

It's not about the size of the district. This is not a model that is about competition or about the size of the district. Prince George school district has over 15,000 students in it. It is geographically dispersed. I happen to know that because I represent it. We represent from the heart of the urban centre of Prince George to the Alberta border, which includes communities as small as 700. This model works there, as it does in a smaller district such as Rocky Mountain or, in fact, Howe Sound.

It's a principle that's involved. It's about how we take the resources we have in the system and better serve our students. It's about relationship. It's about community. I hope that all of the entrenched interests the member opposite references will actually sit down at a table and talk about the most important interest, and that's the student at centre of this.

[1100]

J. Horgan: I thought my colleague from Kensington did it very well when he raised with the committee that not every cat can be skinned the same way, and not everybody looks at change as positive. So again, I think it's appropriate and responsible for this committee to look at issues like: what would this be in Vancouver? What would happen in the district of Vancouver if this policy was implemented there?

Hon. S. Bond: But the whole point is: it doesn't ever have to be in Vancouver if Vancouver doesn't think it fits for Vancouver. This is a voluntary process. We want to look and build on models that work. It is voluntary. Districts can choose.

They can take the information, they can meet with us, and they can say: "Tell us the pros and cons, and let's decide together whether this fits for Vancouver." It doesn't have to fit for Vancouver if Vancouver doesn't choose it.

J. Horgan: I wasn't asking whether Vancouver would choose it. I was asking if the minister and her staff had contemplated how this would look in the district of Vancouver.

Hon. S. Bond: What we've done is lay out an option for school districts in the province, exactly to the point that the member opposite made earlier: educa-

tion is not one-size-fits-all. What might work in Prince George and Howe Sound or, in fact, Surrey is not a prescription template. We actually want to say: "Here's a possibility." Imagine that. We're saying: "Do you think this is a good idea? If you do, we're delighted to come and stand beside you and help you."

I do hope that districts will seriously contemplate whether this is something they would like to consider. But again, that will be up to the boards, administrators, teachers and the people in those individual districts.

J. Horgan: One of the questions that was raised at the meeting in February was: how do you link school plans and the work of SPCs with the boards, the board office? How do you get staff buy-in for staffing issues, and how do you build trust? These are fundamental questions. I'm not asking the minister to do anything other than acknowledge that this is a concern. It was raised at her staff's own meeting, and I'd like to know what the answer is to that question.

Hon. S. Bond: For one thing, we learn from the successful models that exist, and there are those models in British Columbia. We're going to sit down and work with those districts that may well be interested in pursuing this and talk about those exact questions. It's not one-size-fits-all. Prince George does things differently in some ways than Rocky Mountain does.

This is about a principle. It's about involving people in the decision-making. It's about sending resources — and not, by the way, entire amounts of resources. There are still district resources in place in school district 57. But it does allow for some unique and individual approaches to funding.

The other comment I need to make, as I go back to some of the comments made by the member for Vancouver-Kensington.... The member commented on the fact that this allows for principals to push their own initiatives and push for their own unique agendas. That's exactly what happens in schools every day, and we would expect them to do that. This is about individual, unique schools, where leaders.... Of course they're going to say: "These are the needs of my students and my school." That's their job. It's then the job of the group in that community to actually say: what is best for us? This is about a principle, an opportunity, a chance to actually look at how we better serve students.

J. Horgan: So there are no challenges to this? If somebody wants to embrace innovation and change, then the ministry will be there with incentives and training, and life will be roses?

Hon. S. Bond: Of course there will be challenges, and they will be different in different school districts. But the important part of that is that we intend to actually work with districts that have expressed interest.

Of course, there are challenges in everything we do, but does that mean we shouldn't look at what is better for students? I would suggest not. We're simply saying: "This has worked in some school districts in this prov-

ince, and we would very much like to see if other districts would consider the same model." If they choose to do that, we will support them. Will there be challenges? Of course there will. There are challenges any time that change is contemplated.

J. Horgan: I'm going to try a completely different tack, if my colleagues here will indulge me.

The minister has talked about consulting with parents. She's talked about the important role that parents play in the school system in British Columbia today. Clearly, as a member of the Legislative Assembly I'm getting nowhere. I'm getting sunshine and roses every time I ask a question. So I'm going to see if we can turn this around a bit.

[1105]

I'm a parent. I have kids in the school system in district 62. I have questions and concerns about the school-centred model that's being proposed by the government.

So as a parent concerned about my children and the school system that they're participating in, I would like to ask the minister what challenges she sees in district 62 to the implementation of this model. As a parent I have a right to know. What are the challenges?

Hon. S. Bond: First of all, the member opposite might be interested to know that his district hasn't chosen to participate in this process. So the first thing is that, obviously — for the member opposite, as a parent in school district 62 — the question should be to the school board or to the leadership in that particular school district: "If you're interested, I'd like to know why." And perhaps the question should be: "If you're not interested, I'd like to know why."

[J. Nuraney in the chair.]

The particular school district that the member opposite is part of actually isn't participating. But if they were.... Parents have every opportunity to speak to their school boards, to their principals and to the leadership within their districts about whether or not they would choose to participate. The whole point is that no one is being made to participate. We simply want to encourage districts who are moving along this line to consider this.

J. Horgan: What I'm trying to get at is: if there are challenges and concerns in those districts that do choose, the minister is suggesting to this committee that those issues be taken up with the elected school boards? Is that what she's saying?

Hon. S. Bond: I would hope they would start, first of all, with talking to their principals about whether or not this model would work. Ultimately, of course that's what I would suggest. I actually believe decisions should be made closer to classrooms. I've always been an advocate, as a parent and as a school board chair and trustee, in talking about those issues at the local

and school district level. That's exactly what we're talking about.

J. Horgan: Again, and I mentioned this last night, I am in a unique position. I'm able to stand here and ask the minister questions, and it's an honour and a privilege to do that. But if I were a parent at a DPAC meeting in Richmond over the weekend and stood at a microphone and asked the minister these very questions and got those kinds of answers, then I would be disconcerted by that. I'd go back to my community and say: "I don't think they have a plan. They just think everything's going to be fine. We've got incentives in place, and everything's going to be wonderful."

Maybe we could start to find out which districts have agreed to participate in this. I heard the discussion a minute ago — that there were ten to 15. Which districts are those?

Hon. S. Bond: Perhaps the member opposite would like to chat with the parents that found that there was legitimate and genuine dialogue on the weekend.

The member opposite also points to the fact that.... What should a parent do? Well, one of the issues that the member opposite should be aware of is that there are parent advisory councils across this province for this very discussion to take place at — and also district parent advisory councils. Then the information goes to the B.C. Confederation of Parent Advisory Councils, who meets regularly, both with the minister directly.... They represent thousands of parents' views in this province, and they are not the same in every district.

You know, the interesting thing is that we have a province that is absolutely diverse. We have schools that are different, classrooms that are different.

Let me give the answer one last time for the member opposite, because perhaps this time the member opposite will actually hear the answer. This is about a principle. It's about: how do we increase cooperation and collaboration and a dialogue about our children in our schools? We actually think there are roles for people to play at school district levels. We think that parents have a legitimate role in that. School districts will have a choice about participating in this. If parents have concerns, there are numerous avenues for them to have that discussion starting at their school level, their parent advisory council level, their district parent advisory council and, ultimately, their elected school board.

J. Horgan: How many districts have agreed to participate in the pilot project?

Hon. S. Bond: As I reiterated numerous times, there are nine that are considering the process — in addition to the two that already exist.

[1110]

J. Horgan: Could the minister tell me which nine districts are considering this plan?

Hon. S. Bond: The school districts that have expressed an interest at this point are, obviously, school district 6, which already participates; school districts 23, 34, 47, 48 and 57, which is a participant; school districts 60, 73, 79 and 87.

J. Horgan: Well, district 79 does fall within the boundaries of Malahat-Juan de Fuca. So as a parent within district 79, I have a unique opportunity to ask some questions about the implementation of this program, not just with the school board or the superintendent but with the Minister of Education. I'll take that opportunity today and say: how does the minister propose to deal with the discrepancy in infrastructure between Cowichan high school and Frances Kelsey high school in district 79?

Hon. S. Bond: We'd be happy to take the member's question. I don't have the specific details about the two specific schools in his riding, but I would be happy to take the information to my capital staff and have the answer back to him, or the member opposite could take advantage of the meeting he already plans to have with them.

J. Horgan: I should be more careful in the way I phrase my questions. This is a lesson for all of us, I suppose, in answering and in questioning.

The point I was trying to get at is: in district 79, there are two high schools within the Cowichan centre — Duncan down to South Cowichan. The infrastructures are drastically different. Frances Kelsey is a newish school — ten years old, I think, maybe a bit more than that. Cowichan high is 50-plus years old. Kelsey has innovative techniques that are already in place that I embrace and would like to see emulated in other districts. There is an example that the ministry staff are undoubtedly aware of and would be an ideal pilot for other communities.

However, with a choice model.... As I understand the Edmonton system, which is one of the areas I've looked at in researching my job here as the critic, there's a challenge when you can choose where you want to go. If I wanted to send my children to the best infrastructure in the district, I'd go to the newer school. So how, then, does the ministry propose in the school-centred model to address the inequity in infrastructure that exists today? In September when I'm thinking about where I want my children to go to school, how am I going to deal with that?

Hon. S. Bond: That decision has absolutely nothing to do with school-centred leadership. We have an open boundaries policy that has been in place in British Columbia since 2002, so if parents were going to make decisions about moving children, they would have had that opportunity long before today.

J. Horgan: Well, one of the concerns and challenges as I've understood.... Again, I don't have the benefit of a detailed discussion, although perhaps if I'm able to

have carrots and coffee with the capital people, maybe one day I'll be able to sit down with the deputy and get a better interpretation of the successes that he had with the model in Edmonton and some of the challenges he had in other places.

As I understand it, the evolution of the model could lead over time.... Again, this is not: what are we doing in September? What are we doing five Septembers from now under this model? Over that time, when people within the system — teachers, custodial staff, trustees, superintendents — are getting comfortable with the model, the choice notion.... Frances Kelsey is an individually paced or self-paced school; Cow High is not. I want to get my child into the self-paced program. That's offered at one school and not at another. In a choice model, as I understand it, I'd have access to that school even if I was outside of the old catchment notion.

Hon. S. Bond: The member opposite missed the answer to my last question. Of course you would. But that took place in 2002 in legislation. We have open boundaries in British Columbia today. That has been in place. If parents chose Frances Kelsey or whichever other program they could choose, they could have done that since 2002.

[1115]

J. Horgan: The challenge in district 79 is that there's a transportation issue. The busing schedules and budgets don't allow for that transmigration within the district to actually make it a true choice model. There are vast distances to cover. If you are depending on transportation, you can't get from Duncan to Kelsey.

Hon. S. Bond: Well, no, but my point is simply this. Choice policies have existed in British Columbia for a very long time. School-centred leadership is a conversation about how we better serve students. Choice has been in place. We encourage and embrace choice. In fact, in school district 57 I was one of the authors of the choice policy, probably eight to ten years ago.

J. Horgan: In the case of district 79, choice is a challenge for the district because they have to find the additional resources to bus children from the north to the south to access Frances Kelsey. It's an off-loaded cost onto the district in a school-centred model. My question would be: how does the erosion of student enrolment in Cowichan high, as a result of a potential exodus south to Kelsey, help Cowichan and the students that remain there?

Hon. S. Bond: First of all, I don't anticipate that there would be an exodus from Cowichan to anywhere. If there was going to be an exodus, the legislation permitting that was put in place in 2002. I visited Cowichan high school. It is superb in the programs that it offers. This is about a model that has no basis for the discussion we're actually having at this point in time.

Choice policies have been in place in the province since 2002 in legislation. Choice decisions are the decisions of local school boards. Actually, school boards decide their own policies. First and foremost in a choice program, neighbourhood children get the first option to attend a particular school. We have not seen a massive exodus of children from one school to another, in fact. If that took place, it's hardly as a result of school-centred leadership.

The last time we looked on the website, there were 5,000 choice opportunities in the province. One of those is in my district, and it's in a very small community. It's a fine arts school. It is over two hours and 15 minutes from Prince George, but that particular school decided it wanted to focus on a different format for the way they operate their school. It's called Dunster Fine Arts School, and it's an amazing gem in the middle of the Robson Valley of British Columbia. That is allowed because we have choice policies that are determined by school boards, not by the ministry.

J. Horgan: There was an exodus from Cowichan high to Frances Kelsey, and there's a great waiting list at Frances Kelsey as well. Choice for one is not necessarily choice for another. We go back, again, to the economic makeup of communities that's also not homogeneous. Some people have the opportunity to embrace choice; others do not.

The role and function of school boards, as I understand it, is to ensure equity and equality across the district. When you have discrepancies within infrastructure and within program offerings, it's going to lead to an inequity. I'm curious. How would you propose to deal with that, again, in a larger district like Surrey, Vancouver or Coquitlam?

Hon. S. Bond: The responsibility of school boards is to look at student achievement and how best we serve students. One of the ways we do that is by incorporating choice and options for students across this province. I have to point out again that this particular issue has absolutely nothing to do with school-centred leadership. This has everything to do with building choice and flexibility into the public education system. That's important.

We want parents to choose the public education system. In fact, as I use the example of Dunster, one of the concerns at Dunster was the ability to keep students there. This is a remote and rural community. Well, what they did was to design a program that had children come from the neighbourhood and elsewhere to actually look at that school. I would suggest that choice is incredibly important in the public education system if we want to meet the needs of all of our learners.

[1120]

J. Horgan: I visited Kersley Elementary School, just outside of Quesnel, back in the fall. There are parents there that want a choice. They want the choice to keep their kids in their community.

Going to the funding formula for a moment, with respect to a small rural school like Kersley Elementary, what safeguards can the minister offer up today to the parents in that community whose choice is to keep their kids at home in Kersley?

Hon. S. Bond: I can certainly assure you that school boards across the province and across the country are grappling with this issue. To suggest that it is simple would be inaccurate. There is declining enrolment across the country. We're seeing closures of schools in northern Quebec, in Toronto — it doesn't matter. In many ways, the geography is not the most significant factor — it's the demographics. There are challenges with keeping small and rural community schools open. We've created a rural school strategy which will help address that, but boards are faced with very difficult decisions regarding demographics.

J. Horgan: Of course, I know the minister isn't suggesting that I suggested this was an easy fit. I know in district 57, her own neighbourhood, they had some significant challenges and numerous closures as a result of demographic shifts. But a community school like Kersley, halfway between Quesnel and Williams Lake, is not just a place for 75 students to go to. It's the heart of the community.

I know the minister understands these issues intimately, from her time as a chair and, certainly, from visiting other districts and being responsible for all 60 of them now. So I guess this is a safe question: can the minister offer any comfort to communities like Kersley that there will be a plan in place to address the ripping out of the heart of their community by having their small school closed?

Hon. S. Bond: Those challenging decisions are being made across this province as we speak. The fact of the matter is that we are sending additional dollars to the public school system at a time of declining enrolment. To make the point further to the member opposite: enrolment is going to continue to decline. We're going to see another 30,000 students over the next number of years — that's just the demographics.

I fully understand the hearts of communities, because I represent a number of those communities that are in size from 700 to 1,100 and even smaller than that. We give school boards as many resources as we can to allow them to make the decisions about what schools actually serve their students. Is it easy? Absolutely not. But it isn't easy in Alberta or Quebec or Ontario or anywhere else at this moment in time, because we have a shift in demographics. The assurance I can provide is that school boards are making those decisions with the best information and the best resources that they can, and they do that with students at the centre of those decisions.

D. Routley: The minister has claimed that the ministry gives adequate resources to schools, and that any school closures are the result of a shift in demographics

and a reduction in school enrolment. Well, in fact we've seen approximately a 2-percent decline in student enrolment, and yet we've seen hugely disproportionate cuts in the classroom, to classroom-enrolling teachers and to specialist teachers. The math just doesn't add up.

I'm a parent in Cowichan district of a student at Kelsey who's finishing up her 13th grade year. I say 13 because it's taken her that long to complete her math and a couple of other courses in the individually paced program that was implemented at Frances Kelsey. I am a supporter of the model, but I am certainly not a supporter of the model as implemented. As implemented, the model is not individually paced; it's self-paced.

The students are left on their own. They go to seminars with huge classrooms of students, and then they have to book time with teachers. They will sit for an hour and a half, in many cases, waiting to get five minutes of help from a teacher. The model is not the issue. The offer of choice is not the issue. The issue is resources. There are not enough resources to support the model. The school is bursting at the seams, and it does not have teachers in adequate numbers to support the model. What will the minister do to address that shortfall?

[1125]

Hon. S. Bond: I will answer the question from the member opposite one last time. Actually, the member opposite canvassed this thoroughly with us yesterday, I believe.

In fact, public education funding is at the highest level ever in British Columbia. The concerns about a specific program at a specific school.... Certainly, the member opposite — with the history and experience he has — knows full well that that's a decision made by a local school board. The last thing, I think, that parents want in this province is having a government decide that "This is a particular program for your school, and this is how you are going to use it."

If there are concerns about the implementation of a program at a local school, a choice that is pedagogical, in fact, about how to better serve students, that's done by educators. That's not done by the Ministry of Education.

Let's talk about Cowichan for a just couple of minutes here. In fact, when we look at school district 79 in Cowichan, and we look at the dollars that have been added to the public education system.... Let's look at the \$150 million that was put into the system last year. Cowichan Valley received \$2,496,481, and out of that we actually found that the district decided how they were going to spend that money.

They provided additional staffing. They added services to support students, got \$659,000 in additional funding as well. They had \$30,000 for new learning resources. They did a variety of things with the dollars they were given. In the \$20 million that was provided to Cowichan as a result of the Vince Ready discussions.... They actually received dollars from that as well, and they provided additional teachers for class

size, LA counsellor time, and in fact, eight FTEs were added in that district.

D. Routley: Yesterday in these debates I invited the minister to administer my daughter's allowance, because she gets \$15 a week, and perhaps the minister could up that to \$20 a week but convince my daughter that she ought to pay my hydro bill and the wage increase that my wife, as a teacher, received. That's indeed what this government has done to our schools. They have taken away.... It's: "I put eight rocks in your shoes. I'm here to take four out, and I'm your best friend."

Yes, in our district we did add staff, but nowhere near the staffing levels that were taken away from our children. No matter which way the numbers are tossed across this aisle, in the end it is up to parents and British Columbians to judge whether their children are being adequately served, and I'd say that the judgment is negative.

We saw a labour disruption in the spring that was widely supported by British Columbians, particularly by parents and most particularly by parents of special needs students, who have suffered the worst degradation of service. No matter which way the minister explains to my daughter that \$20 is the most allowance she's ever received, in the end she knows she's paying the hydro — like districts have paid the hydro, the MSP premiums, the unfunded teacher increase — so that doesn't matter.

In the end, as a parent in Frances Kelsey.... My daughter is the one who is sitting there for an hour and a half waiting for help from a teacher. My daughter is the one who suffered one year's delay in her education in this individually paced program.

I do not question or challenge the right of school districts or parents to choose. What I say is that the issue here is the ministry's failure to support those choices it has offered to school districts. We embraced the individually paced program for those pedagogical reasons that the minister indicated, but the ministry has let us down by not supporting that choice. We have 200 students bussing back and forth between high schools, and none of that is funded. When we engaged a consultant to see how we might save money in transportation, they suggested: "Stop bussing these children for free." If eight of those 200 children leave the public system, we would lose all the money we would save by stopping the bussing.

We are forced to support choices offered by this ministry, but unfunded. That is a choice that I respect, and I congratulate districts for managing it, but I condemn the ministry for not supporting it. Will the minister finally support the choices she has offered to school districts by properly funding education in British Columbia — increasing funding? Will the minister increase funding?

[1130]

Hon. S. Bond: This is a government that has seen the per-pupil funding in this province rise by over \$900

per student. Over the last number of years we are at the highest level of funding ever.

It's interesting that the member opposite canvassed the same questions for the second time. The facts remain the same today as they were yesterday. School districts are seeing increased funding, and they are seeing declining enrolment. That continues to be the graph that will move forward.

When this government added \$150 million to the budget last year.... In fact, that's core funding. Well, the member opposite can grimace, but that's the fact. As we move forward, the \$150 million remains in the system in addition to a \$98 million lift to public schools this year and \$400 million over the next three years in additional funding, and we will have 30,000 fewer students. The answers to the questions remain the same as they did yesterday.

C. Wyse: At the beginning of February, minister, I wrote you with regards to literacy programs and to draw your attention to regional literacy programs groups, in general, requiring some increased support. In particular, the Cariboo Chilcotin Partners for Literacy definitely could use an increase in support. I proposed two questions to you, minister: does your ministry intend to increase funding for regional literacy groups, and if so, when do you expect increased funding for groups such as the Cariboo Chilcotin Partners for Literacy to occur?

Hon. S. Bond: I appreciate the question. Literacy is one of the most important things we do in this province. It's one of the things that this government thinks is most important, and we really appreciate the work that's done in regions across this province. I'd like to learn more, actually, about the group that the member opposite speaks of.

In terms of funding for literacy, we have had significant additions to the literacy budget — the literacy support across the province. When we look at — and I do want to include the range for the member opposite — K-to-12, we've spent \$10 million for textbooks. We've also spent \$5 million to support innovative teaching programs, \$3 million to support kindergarten readiness, \$400,000 to support B.C.'s Raise-a-Reader campaign, \$47 million to support adult graduation programs and \$5 million for community-based literacy programs through the Literacy Now initiatives. In addition to that, we have provided \$12 million for public libraries, which are also my responsibility; \$1.4 million for adult literacy in the cost-sharing program; and \$12.2 million in adult literacy through colleges.

We have significant investments. If there is a particular concern about funding, outside the correspondence that the member has sent, I'd be happy to hear his concerns or have my staff discuss those with him.

C. Wyse: Thank you, minister. Your office will have this correspondence on file, and it's dated February 2. I appreciate the information around the generalities, but specifically dealing with this group, I await your re-

sponse and look for your assurances that it will be coming. It's now been approximately two months.

Hon. S. Bond: Absolutely. We will certainly look in the file. I, personally, at this point, am not certain where that would be, but I'm happy to look for it, and I will make sure that one of my staff gets back to him with the specifics of the issue that he raised in his correspondence.

J. Horgan: I would just like to pose a few more questions to the minister — one with respect to ESL funding and the number of ESL students we have in British Columbia now. Could the minister tell me the lift in ESL funding this year and the number of students this year over last year?

[1135]

Hon. S. Bond: The Ministry of Education provides funding to school boards. ESL students get the core funding amount of whatever per-pupil that might be in their district. In addition to that, every English-as-a-second-language student and French-as-a-second-language student receives \$1,100. You get the base amount, and then you get \$1,100 additionally.

Currently ESL services are provided to approximately 57,000 students — that's ESL — and we provide another 1,125 FTEs for French-as-a-second-language service, so the total would be those two numbers. We should point out that that is for a five-year period of time. They don't need to be continuous. It's a five-year funding envelope. I would like to point out to the member opposite that our ESL completion rates in the province are the highest of any cohort of students. Non-aboriginal students have a 79-percent completion rate; our ESL students are actually at 83 percent. I should point out that total funding, then, for ESL and FSL in 2005-2006 was more than \$63 million.

J. Horgan: So ESL students would be about 10 percent of the student population?

Hon. S. Bond: Approximately.

J. Horgan: Are they mainly located in the lower mainland — Richmond, Vancouver and Burnaby?

Hon. S. Bond: Yes, and we would point out that this is a relatively stable population. The numbers don't vary significantly.

J. Horgan: It is a challenge, though. Again, it speaks to the class size and class composition issues that we canvassed earlier in the week. Quite often in rural areas or areas outside of the lower mainland, the challenges are more with respect to behaviorally or learning-challenged students.

In the lower mainland you've got a mix of not only learning-challenged and behaviorally challenged children but also the ESL component. Does the minister have any plans, any strategies that are being contem-

plated by staff to work with the lower mainland districts to address their particularly unique composition issues?

Hon. S. Bond: We know that when school districts — and some have more challenges than others, because certainly there are.... That's one of the things that points out the need for more than one kind of operating model, because schools are very, very different. Certainly, my visits to the Richmond school district were fabulous. In one school I think there were 23 different ethnic representations. I'm not quite certain if that was the number; it was very high.

School districts are in the best position, actually, to make the decisions about how best to serve those students. We provide support. We do not have dedicated staff in the ministry, but we have staff that work very hard to work with school districts. I think the results speak very clearly, in terms of our students' completion rates in the ESL programs, of how well our school districts are managing these challenging circumstances. The completion rate for ESL students exceeds that of all of the other groups of students that we measure.

J. Horgan: The notion of dedicated staff is actually where I was heading with this, so I'm glad that the minister brought it up. I agree with her that the diversity of our province — reflected in lower mainland districts, particularly, but right from north to south and east to west — is what makes this province a truly great place to live and to learn.

[1140]

I know that regardless of the discussion we've had, there is significant emphasis on school-centred learning and on innovations around systems and processes. I'm wondering if perhaps we could contemplate shifting that emphasis, over the next 12 months, into putting resources into the specific challenges.

That brings up the spectre of targeting, and "goodness me, we don't want to do that," but sometimes that is the size that would fit. If we're not excluding targeting as an option, then we could possibly contemplate dedicating staff to these important issues?

Hon. S. Bond: Certainly, there has been a lot of debate and discussion about whether targeting is or is not the best thing to do. When we came to office in 2001, we heard a great deal about the need for increased flexibility and how we give school districts the ability to better serve their students.

For me, it's not necessarily as much an issue of the targets as it is of accountability for the dollars that are invested. I think that perhaps we need to look at whether or not de-targeting funds — to use that language — has been effective. Have we held school boards accountable for the resources and services that they provide to students? That's a discussion I think we're going to have as we move forward over the next number of months and as I travel to school districts.

J. Horgan: I'm delighted to be nearing the end and to be able to say that I'm pleased with an answer, because I didn't know I was going to be able to say that. I am pleased with the minister's answer. The audits that she spoke of yesterday, the random audits, are certainly one accountability mechanism that I know the ministry is using and the minister supports. I'm pleased that we have moved from 2001 and that we're recognizing that some changes aren't always the best changes. That's a good thing for all of us.

I also want to say, though.... The minister said over the course of the past few days that she was involved in her children's school from the day they walked to their kindergarten class. I was, too, as was my wife, and I know many members and those watching at home take a deep and abiding interest in what happens in their schools, as parents.

Schools don't just belong to parents, however; they belong to the community. We have a responsibility to non-parents as well, and that is to produce the best and brightest so that we can solve the challenges of our age. The problems that we're creating today are being dumped on the children who are in the system right now.

If I've learned anything over the past 12 months about this role and function as a critic for the Ministry of Education and the K-to-12 system, it's that the one constant that I can recall, in all my years with thinking about this, is teachers. I really hope that the reported, three-times-announced teachers congress can come into being in the fall and that the minister and her staff and the Premier can repair the damage that's been done.

It's an adversarial relationship. It has been for a considerable period of time. I'm not suggesting this is new, but it is the fundamental challenge facing the minister and her staff and the government of British Columbia: to resolve issues with the B.C. Teachers Federation so that we can get these highly skilled professionals, these dedicated individuals, into classrooms doing the best that they can, rather than just coping. What I have heard, if I have heard anything over the past 12 months, is that teachers feel they're just doing the best they can with the resources at hand. They're not growing. They're not innovating.

It's all well and good for us to sit in this lofty building and talk about the innovative schemes we have for new governance models and so on, but the rubber hits the road at nine in the morning when the bell rings and the kids go into the classroom. When that happens, the person in charge is the teacher. My colleague from Columbia River-Revelstoke said it very well yesterday, as a former principal — and I think we all agreed: ultimately, the education process, when the door closes, is the teacher and the number of kids attentively listening to instruction.

[1145]

With that, hon. Chair, I'll wish the ministry well over the next 12 months. I want to reiterate the overwhelming respect I have for ministry staff and the good work that they do. I want to thank them very much for their time and energy over the past week and,

I bet, over the past couple of months as they prepared for this ordeal.

I want to thank the minister for her candour. I'm hopeful that the spirit of cooperation that she speaks of at the local level will maybe one day translate into this room and that we can work together to find the solutions to the problems that we both acknowledge exist today in British Columbia.

Hon. S. Bond: My closing comment would be that sometimes when answers are provided, if they're not the ones people would like to hear, that causes some distress.

I want very much to deeply thank the staff that support me on a regular basis and support the work of students. I just want to make sure that I recognize them today. They've sat through these very long estimates when I know that they have many other things to be doing.

I want to thank Claudia Roch, who is the lead director of accountability; Monica Pamer, who is the lead director for achievement and assessment; Bobbi Plecas, the lead director for initiatives; Stephen Hill, our senior policy advisor; Pat Brown, who is our senior financial officer in management services; Sherri Mohoruk, superintendent, liaison; Keith Miller, the lead director for funding; Rick Davis, superintendent, liaison; Ruth Wittenberg, our assistant deputy minister in management services; and not the least of whom we should thank, our deputy minister, who brings great insight and vigour and enthusiasm to the work that's done every day in this province.

I can assure the member opposite of one thing. This government actually places the highest priority on public education. I believe that teachers in this province, along with support staff workers, with the people who make up our teams, our administrators, our principals — all of the people who work together — serve our students incredibly well.

Unlike the member opposite, when I look at the results that I see.... I look at the absolutely phenomenal results that are achieved in this province, and I look to celebrate that. I will not make apologies for being enthusiastic or energetic about the system. Indeed, there are challenges we face. Our job is to face them head-on. It is to include the people who really matter in that discussion. That does include community. We intend to do that.

I look forward to continuing the tours that we have started. Most importantly, I look forward to seeing our students continue to have the very best education system in the country.

Vote 24: ministry operations, \$5,195,667,000 — approved.

Hon. S. Bond: I move that the committee rise, report resolution and ask leave to sit again.

Motion approved.

The committee rose at 11:48 a.m.

HANSARD SERVICES

Director
Jo-Anne Kern

Acting Production Manager
Robert Sutherland

Editorial Supervisors
Janet Brazier, Christine Ewart

Senior Editor — Galleys
Heather Bright

Senior Editor — Editorial Support
Robyn Swanson

Technical Operations Officers
Pamela Holmes, Emily Jacques

Research
Jaime Apolonio, Mike Beninger
Dan Kerr, Cristy McLennan
Sarah Wiebe

Editors
Shannon Ash, Laurel Bernard, Andrew Costa,
Heather Gleboff, Margaret Gracie, Jane Grainger, Iris Gray,
Linda Guy, Bill Hrick, Paula Lee, Elizabeth Levinson,
Marg MacQuarrie, Constance Maskery, Jill Milkert, Lind Miller,
Lou Mitchell, Karol Morris, Melissa Nelson, Dorothy Pearson,
Erik Pedersen, Janet Pink, Melanie Platz, Robin Rohrmoser,
Camilla Turner, Heather Warren,
Arlene Wells, Tara Wells

Published by British Columbia Hansard Services, and printed under the authority of the Speaker by the Queen's Printer, Victoria. Rates: single issue, \$2.85; per calendar year, mailed daily, \$298. GST extra. Agent: Crown Publications Inc., 521 Fort St., Victoria, B.C. V8W 1E7. Telephone: (250) 386-4636. Fax: 386-0221.

www.leg.bc.ca

Hansard Services publishes transcripts both in print and on the Internet.
Chamber debates are broadcast on television and webcast on the Internet.
Question Period podcasts are available on the Internet.