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LEGISLATIVE ASSEMBLY
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THE HONOURABLE BILL BARISOFF, SPEAKER

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

SECOND SESSION, 38TH PARLIAMENT

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Honourable Bill Barisoff

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Morning Sitting

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TUESDAY, APRIL 4, 2006

The House met at 10:04 a.m.

Prayers.

[1005]

**Introduction and
First Reading of Bills**

PROVINCIAL SYMBOLS AND HONOURS
AMENDMENT ACT, 2006

Hon. G. Campbell presented a message from His Honour the Administrator: a bill intituled Provincial Symbols and Honours Amendment Act, 2006.

Hon. G. Campbell: I move the bill be introduced and read a first time now.

Motion approved.

Hon. G. Campbell: I'm pleased to present the Provincial Symbols and Honours Amendment Act, 2006. This act amends the Provincial Symbols and Honours Act to make the spirit bear British Columbia's mammal emblem — a magnificent symbol that speaks to the majesty, uniqueness and mystery of our province.

In the throne speech Her Honour noted that the spirit bear was a compelling symbol and inspiration deserving of recognition as a provincial symbol. The spirit bear symbolizes the essence of the spirit of our province. It evokes the unique aboriginal heritage of British Columbia and the first nations' special relationship with the land and all who live upon it. The Kitsoo people have had a special relationship with the spirit bear since time immemorial.

The greatest concentration of spirit bears in the world is found in the central and north coast of British Columbia. Parts of this area have been recommended for designation as protected areas to facilitate the conservation local to the spirit bear population.

The amendments will also update provisions related to the Order of British Columbia and the membership of the order's advisory council to reflect the changes made since the last amendment in 1989.

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

Bill 22, Provincial Symbols and Honours 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.

Orders of the Day

Hon. M. de Jong: I call Committee of Supply. For the information of members, in Committee A we will be continuing with the estimates of the Ministry of

Agriculture and Lands and, in this chamber, beginning the estimates for the Ministry of Environment.

[1010]

Committee of Supply

ESTIMATES: MINISTRY OF
ENVIRONMENT AND MINISTER
RESPONSIBLE FOR WATER STEWARDSHIP
AND SUSTAINABLE COMMUNITIES

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

The committee met at 10:11 a.m.

On Vote 28: ministry operations, \$152,559,000.

Hon. B. Penner: Just before we begin debate on the budget estimates for the Ministry of Environment, I'd like to begin with a few opening comments.

Over the past nine or ten months it's been a tremendous pleasure for me to have the opportunity to work with the staff within the ministry as we pursue our goal of protecting British Columbia's environment. The Ministry of Environment continues to address our broader mandate and to increase responsibilities for effective and responsive environmental management. We are acting to deliver on the government's goal to lead the world in sustainable environmental management with the best air and water quality and the best fisheries management. We have refocused our vision, mission and goals to meet government priorities and provide responsive client service. We're continuing with the progress we have made in revising and refining regulations, and we're developing legislation to further protect our rich environmental legacy.

The work to achieve this mandate is done by more than 1,400 skilled and dedicated staff located in every region of British Columbia. I want to express my gratitude to the Ministry of Environment staff for their commitment and the outstanding work they do every day. As a result of their hard work, the ministry is able to provide leadership in environmental management. Through the staff's innovative approach to their work on behalf of all of us, we can deliver on legislation and programs and on compliance and shared stewardship activities.

Over the last nine months I've had the opportunity to travel some parts of the province. I've gotten to quite a number of regional and local offices with the ministry and had opportunities to meet face to face with hundreds of staff within the ministry. My plan for the next year is to continue that mission of meeting as many staff in as many regions of the province as is possible.

The ministry's mandate is to protect human health and safety and to maintain and restore diversity of native species, ecosystems and habitats. That is consistent with the government's great goals. Through partnerships across government with first nations, communities and the private sector, we continue to work to

enhance the protection and stewardship of water and air resources, advance sustainable use of environmental resources and provide outstanding park experiences.

A major achievement for staff was last February's signing of the north and central coast land use plan. In fact, this is a major achievement for the province. It was an achievement that took ten years and involved hard work by first nations, communities, conservationists and industry. I know that the task of reaching consensus took hundreds of hours, but in the end common ground has been reached and innovative solutions have been developed to protect B.C.'s mid- and central coast for future generations.

Just a few moments ago we heard the Premier introduce legislation recognizing a new symbol for British Columbia, and that symbol comes from the midcoast.

I want to recognize the work done by conservation groups to make this plan a reality. This decision positions British Columbia as a world leader in environmental stewardship, and it will form the basis of sustainable development into the future. The north coast and central coast land use decision is very positive for land and resource use in coastal British Columbia and provides enhanced protection for the environment along the coast. There will be 1.2 million hectares added to the existing 600,000 hectares of protected area on the coast of British Columbia.

Before moving on, I'd like to take a few minutes to review some other things we have done over the past year. In terms of clean air, you'll remember that we have a provision in the provincial budget that commits a \$2,000 exemption on the PST for hybrid cars. That's the second-highest rebate offered in Canada, with Prince Edward Island offering a \$3,000 rebate. I noticed that last week in their budget, Ontario is moving to catch up to British Columbia by offering a similar PST rebate in terms of hybrid cars.

[1015]

I'm advised by ministry staff and auto dealers across the province that the PST exemption has had a significant impact, and I believe British Columbia now leads the country in per-capita private sector ownership of hybrid vehicles.

We've provided a two-year PST exemption for energy-efficient furnaces, boilers and heat pumps — again, encouraging individuals to make the right choice not just to protect the environment but, frankly, to improve their own financial situation at home by having more energy-efficient devices. A partial exemption has also been provided on property tax for environmentally friendly hydroelectric projects — clean, green, 100-percent renewable, zero-emission electricity generating projects.

Over \$4 million has been invested in clean energy and fuel cell research in the past two years, promoting the development of clean energy sources. Last week we were all delighted with the news that the Sumas 2 project has officially put up the white flag and has abandoned the proposal to build a 660-megawatt project just south of the border in the Fraser Valley.

In terms of clean water, we established the living rivers trust fund in 2002. During the course of our first term, we increased it to a total of \$7 million. In the last election, the Premier made a commitment to British Columbians that if our government were to be re-elected, we would triple the amount of funding available in the living rivers trust fund. It's our government's intention to deliver on that commitment this year.

We've introduced new groundwater protection regulations that will improve the safety and quality of British Columbia's groundwater supplies — the first of their kind in British Columbia. We've introduced a comprehensive \$16 million drinking water action plan to enhance testing and assessments, strengthen accountability, and improve water management, delivery and safety from source to tap.

In terms of land, we've committed \$7.5 million to hire up to 60 conservation officers and park rangers over a three-year period to significantly increase our presence in the field. We've announced that B.C. would recruit up to 19 seasonal conservation officers this year and add four more undercover conservation officers to form a new industrial-commercial investigations unit. That's the first time we'll have plainclothes conservation officers in B.C. focusing on industrial and commercial investigations.

We've established the new B.C. Conservation Corps, a long-term student and graduate mentoring program designed to nurture a new generation of conservationists for the 21st century. We're doing this in partnership with other stakeholders, including the B.C. Wildlife Federation.

We've expanded the B.C. parks system by establishing 37 new parks in our first mandate and expanding 34 others, protecting more than 150,000 additional hectares of B.C. wilderness. Just last week, I think, the Legislature approved a bill which designates four more class-A parks in British Columbia. We've invested over \$12 million in the 2005-2006 fiscal year to upgrade campsites, trails, water systems and other B.C. park facilities, which is the largest parks capital budget in 15 years.

We've completed a \$73 million agreement to protect Burns Bog in partnership with the federal government, the GVRD and Delta. This vital ecosystem is known as the lungs of the lower mainland for its significant contribution to air quality.

In terms of fish and wildlife, in the last four years we have established 286 wildlife habitat areas comprising over 650,000 hectares and 26 ungulate winter ranges totalling over 2.2 million hectares. We've secured \$17.2 million in funding since 2002 for the habitat conservation trust fund to support fish and wildlife conservation projects across British Columbia. We've provided funding of \$370,000 for a provincewide bear smart program. I'm advised that in many local communities, this program is having a significant benefit in terms of reducing the incidence of human-bear conflict.

In addition to these investments and achievements, we have been given responsibility for a cross-government sustainable communities initiative. This is

more than developing public policy. It also incorporates relying on citizens and increasing their willingness to embrace more sustainable approaches to land and resource development and a healthier lifestyle.

In terms of environmental stewardship, we are developing, promoting and measuring achievements in the conservation of living resources, management of protected areas and provision of park freshwater fish and wildlife recreation opportunities. We're using science-based information and knowledge to develop policy, legislation and regulations that set clear environmental standards and performance expectations. We will continue to work with stakeholders, partners and the public, and will emphasize shared stewardship and facilitate community initiatives to protect and restore local environments.

[1020]

In terms of water stewardship, we provide leadership in British Columbia in ensuring that water resources and ecosystems for British Columbians are safe, sustainable and valued by all. We want to promote innovative approaches to water governance while developing and delivering upon science and information critical to understanding and managing the water resource. This means that we need to provide regulatory and non-regulatory functions that support public safety, sustainable water allocation and source-water protection. We are doing this by enhancing public awareness, education, partnerships and through capacity-building.

In terms of oceans and marine fisheries, our ministry now has responsibility for this activity within government, and we want to lead the development and implementation of our ocean resources and marine fisheries initiatives. We're focusing on sustainable and integrated management and the use of B.C.'s ocean resources to foster a stable and diverse marine fishery that provides broad social and economic benefits to British Columbians. We're supporting the growth and diversification of the seafood sector, which offers strong competition but also faces strong competition in global markets and strives to ensure a stronger provincial role in the management of marine fisheries and ocean resources.

In terms of environmental protection, the Ministry of Environment works to protect human health and the quality of water, land and air. The goal is to improve B.C.'s air quality, reducing greenhouse gas emissions, improving surface and groundwater quality, coordinating the reduction and removal of toxins and waste, and enhancing environmental stewardship. We're committed to science-based policies, legislation, and monitoring and reporting of results to ensure that guidelines and standards are continuously met.

In terms of compliance, I've already mentioned our increased emphasis in this area and the hiring of 19 seasonal conservation officers this summer. The ministry will continue to provide leadership, innovation and services in support of the ministry's compliance goals. We're delivering on a full range of compliance-related activities including educating citizens to be better stewards, promoting the understanding of and compli-

ance with regulatory requirements, conducting investigations and working with ministry programs on a wide range of enforcement options. This supports the management and delivery of compliance activities in a manner that is timely, appropriate and consistent with the mandate of the ministry.

The environmental assessment office also reports in through the Ministry of Environment. It retains an important role as a neutral agency. It coordinates the assessment of proposed major projects in British Columbia, as required under the Environmental Assessment Act. It examines major projects for potentially adverse environmental, economic, social, health and heritage effects that may occur during the life cycle of the projects, including construction, operation and decommissioning.

Issues or concerns identified by provincial, federal and local governments, first nations and the public may trigger modifications or changes to a project as it moves through the environmental assessment process. Proponents also have specific accountabilities in the review process to provide information on their projects and to work to reduce the level of project impact. I believe that in 2001 there were something like 15 or 18 projects in the environmental assessment office review process. Today it is higher than 45. I'm told that number is likely to increase. So that's a sign that the economy is strong; it's also a sign of the important role that the environmental assessment office plays in protecting the environment in British Columbia.

In conclusion, Budget 2006 continues to support our priorities as a ministry and as a government, and there are some exciting things ahead for the Ministry of Environment. Having said that, I'm pleased to answer any questions from the opposition.

S. Simpson: Thanks to the minister. I see he has his deputy Mr. Trumpy, and his ADM Ms. Wilkin with him. Welcome to them.

I appreciated the minister's comments, and I look forward, over the next period of time, to be able to explore a number of those issues with the minister. I think we've supplied him with a bit of a format of where we're going to go, so that the appropriate staff can be here, and we'll get to those matters in due course.

I would like to start, though, with some discussion specifically related to the service plan and some of the broader issues related to the service plan. The first thing I'm very interested in is that when I go to the message from the minister on page 1 of the plan, the minister says: "The ministry has refocused its vision, mission and goals to better address government priorities and provide responsive client service." Could the minister tell us exactly what refocusing means and what those changes are around vision, mission and goals?

[1025]

Hon. B. Penner: I would like to thank the opposition critic for providing us with a list of topics. That will be of great assistance to organizing our staff re-

sources on this side of the House and being as efficient as possible.

Before I proceed, I should introduce my staff that are with me. First of all, seated to my right, which would be on the viewers' left, is my deputy minister, Mr. Trumpy. Joining me on my left, which would be on the viewers' right, is my assistant deputy minister for environmental stewardship, Nancy Wilkin. Seated just behind me is the manager of budgets, perhaps the most important person of all, Kathy Brereton. I want to thank the staff for their considerable assistance in this process.

The member asked a question about the service plan. If the member turns to page 6, I believe, of the service plan, you'll see the listing of vision, mission and values for the ministry. They are somewhat more succinct this year than perhaps in previous years. If you, for example, were to compare the September 2005 service plan and the service plan from previous years for what was then the Ministry of Water, Land and Air Protection, you'll see that some of the statements are somewhat more succinct and therefore, I think, somewhat more focused.

S. Simpson: If I go back to the statement, it says... I appreciate that it is more succinct, and I think that's a good thing. The comment goes on, though. It says that it will refocus its vision to better address government priorities and provide responsive client services. Could the minister tell us where he saw the shortfalls previously in addressing government priorities or in client service that needed to be addressed by this refocusing?

Hon. B. Penner: The opposition critic will be aware that the ministry has picked up some additional responsibilities after the reorganization in government that took place in June of 2005. Specifically, we now have responsibility for water licensing, sustainable communities, as well as the oceans division. Those are new responsibilities for the ministry, and accordingly, our vision statement and other priorities had to be adjusted to incorporate that.

In addition, previously the various goals or visions for the different divisions were different. Now what we've done is tried to have ministrywide goals and objectives that are shared by all divisions so that we're all pulling in the same direction.

[1030]

S. Simpson: I do appreciate that there are those new responsibilities, and we'll get a chance to talk about all of those further a little bit later on.

The minister goes on, in his accountability statement, to say: "We will be developing new legislation that is responsive to current realities and resource use and at the same time protects our rich environment legacy." Now, I understand that the minister can't talk about the specifics of what that legislation would be, because it's not here yet. But could the minister maybe tell us in what areas he envisions the need for new legislative change to deal with current realities?

Hon. B. Penner: I believe that the opposition member was at the B.C. Wildlife Federation last week, where I had a chance to speak about some of the legislative priorities for the ministry and some of the issues that we're working on in terms of revising legislation.

The ministry is working at the policy level on updating the B.C. Wildlife Act. That was an act, I think, that was last substantially overhauled in 1982. A lot of things have changed since that time, so we are working on that, but that is a major undertaking.

I did mention to the Wildlife Federation last week in Penticton that we will consult with stakeholder groups such as the Wildlife Federation and others as we go through the process of updating that legislation. I believe that the member also indicated an interest in providing some ideas and input into this process as we work to update the Wildlife Act.

I also mentioned last week, and it's been mentioned previously, that in order to give some legislative life to the announcement that was made around the mid- and north coast planning processes in terms of the new areas that are going to be protected — that's 1.2 million hectares in addition to the 600,000 hectares already in protected areas — there will be legislation required to do that, and it's my hope that we'll have that legislation relatively soon.

In addition, although this isn't, strictly speaking, legislation that comes through the House, we have been working to update our product stewardship regulations, whether it's e-cycling or other initiatives. This is something that the province continues to take a leadership role on, and that's in terms of advancing our recycling initiatives in British Columbia so that we can reduce the amount of waste that goes into landfills.

S. Simpson: I appreciate that information on some anticipated changes around legislation.

The minister, in his statement, talks about expanding relationships with governments at the federal, provincial and local levels as well as first nations, the private sector, communities and citizens. Could the minister talk a little bit about the kinds of approaches that he's taking to make those expansions? What is the thinking? How are those relationships going to change?

I guess I would particularly be interested around the question of local government, because we always, of course, see local governments having responsibilities in a number of areas — whether it be around air quality, around some transportation matters, around a number of things, around planning — that directly link to sustainable communities, which the minister has responsibility for at the provincial level.

My interest is: how does the minister see that relationship with local governments and regional governments in particular — and, certainly, with other levels of government — but with those levels of government in terms of engaging the discussion at the local level around what sustainability might mean?

[1035]

Hon. B. Penner: There has been a long-standing environment committee that the ministry has with the

Union of British Columbia Municipalities, or UBCM for short. That's at the staff level. They meet on a regular basis to discuss issues of mutual concern between the province and the UBCM, representing local governments across the province. In addition, the Premier made a commitment a number of years ago that the province would consult with local governments before establishing any new parks in areas adjacent to local communities.

In terms of airshed planning, this is something that the ministry encourages on a local level. We do so with some modest financial assistance that we provide to help kick-start the process of local airshed planning. As well, we provide some technical assistance from the people that work in the ministry to help shape some of those local airshed plans as they get developed.

I also want to take a moment, though, to talk about water and the need to plan responsibly for the usage of water. We want to work in the months and years ahead more closely with local governments in terms of enhancing their understanding of some of the challenges we face in the allocation of water, particularly for domestic purposes.

In many parts of British Columbia we take for granted that we have incredible amounts of very clean water, but in some parts of the province — including the east coast of Vancouver Island and, frankly, the Okanagan, which is one of the fastest-growing regions in the province — we're already experiencing challenges in terms of having sufficient amounts of water to look after new developments. It's the local municipal governments that are responsible for zoning and improving new developments at that local level, but that assumes that there are going to be adequate amounts of water, which traditionally has been the responsibility of the provincial government in terms of water allocation through the water licensing process. So there's the possibility for a bit of a disconnect if one level of government just assumes that there's going to be enough water to support ongoing developments.

There needs to be, I think, better integration of information and shared stewardship, again. It's a phrase you're going to hear a lot about, but there needs to be greater awareness, I think, at the local level that we need to incorporate, in our future plans, some of the challenges we're facing in terms of providing adequate amounts of water.

There are a whole range of solutions that I think are available in terms of reducing water consumption and being more efficient with our use of what is a finite resource in certain parts of the province, but that's going to be a work in progress. It's going to require engagement with local governments as we work to, I think, stay ahead of a challenge, because as I've already mentioned, in the Okanagan and on the east side of Vancouver Island we're already seeing this emerge as an issue, and it could well emerge in other parts of the province.

Quite frankly, most of the western United States and southern United States has had this problem for a long time, where you have different stakeholders en-

gaged in battles with each other — protracted battles, frankly, not very productive battles — over who's going to get that slice of the water. It's my hope that we can come up with a better system for planning future projects and developments so we don't get into that kind of a situation where we're divided about how water should be allocated.

[1040]

S. Simpson: I would agree with the minister. Water is a critical issue, and we need to go further in those discussions. I want to move, though, at this point to the purpose of the ministry — I'm looking at page 5 of the service plan — and around the question of the legislative mandate. The service plan identifies seven significant pieces of legislation and then notes that there are a number of others but that these are the seven core pieces of legislation that drive most of the activities of the ministry.

The minister has said that he anticipates changes to the Wildlife Act and, I believe, the Protected Areas of British Columbia Act. These are the two areas that I believe he mentioned there would be some changes around in order to deal with the north and midcoast and also the wildlife review. Could the minister tell us whether he anticipates changes to any of that other legislation in the next year?

Hon. B. Penner: Part of what the member is asking for is future government business, and so I'm not inclined to go too far down that road. I can tell the member that we're constantly reviewing legislation that we're responsible for and seeking ways to make it better.

As an example, last week we were debating in the House... I'm not sure if the member had a chance to take part in the debate, but we did go through — in Bill 15, the Miscellaneous Statutes Amendment Act, 2006 — a number of changes to the Park Act and particularly the schedule to the Park Act, where we added those four new class-A parks and expanded the size of some others, including Strathcona Provincial Park, which is B.C.'s oldest park, established in 1911. Those were some changes that were made.

The ministry, in particular in the parks branch, is always looking to update our legal definitions of boundaries of parks. It may be amazing in this day and age of satellite technology and GPS systems, but we're still refining the precise legal definition for many of the parks in British Columbia. That shouldn't be a surprise, I guess, given the huge size of those parks and how many we have. We have more than 600 provincial parks in British Columbia. So I would anticipate that there could well be additional refinements to existing park boundaries just as the normal course of business. Also, there could be additional changes as we acquire additional lands for protection.

The Miscellaneous Statutes Amendment Act, 2006, which we debated last week, also dealt with a number of amendments to the Environmental Management Act to clarify some provisions around search and seizure so that our conservation officers and others seeking

to enforce provincial environmental laws were more capable of doing so. I know the member for Bulkley Valley–Stikine asked a number of questions regarding those topics. I can just imagine that as the ministry staff continue to review our legislation for effectiveness, there could in the future be additional amendments, but at this point I'm not aware of any specific proposals to do so.

D. MacKay: I seek leave to make an introduction.

Leave granted.

Introductions by Members

D. MacKay: I finally get an opportunity to introduce some guests from my part of the province. Today in the gallery we have 19 students from grades ten to 11 from the Ebenezer School at Smithers. They are accompanied by their teacher Mr. Dykstra and eight other adults. I would ask the House to please make those young students and parents that are accompanying them from the beautiful Bulkley Valley welcome to the chamber today.

[1045]

Debate Continued

S. Simpson: Moving to the strategic context on page 7 of the service plan, where the service plan speaks about the evolving business model. It says here: "The ministry's evolving business model includes developing and adopting outcome-based performance standards that are less prescriptive, based on results and designed to increase compliance with environmental regulations."

I'm assuming here that this talks about some of the stewardship modelling, some of the industry stewardship and some of those approaches. Could the minister elaborate a little bit on what those outcome-based performance standards are that are less prescriptive? Particularly, I'm interested in issues around that prescription and what the thinking is and, in relation to that, how decisions are made about what regulations, because the regulations drive the prescription, presumably. How are those decisions made to reduce or take regulations out?

Hon. B. Penner: I think what the member referred to were some of the stewardship plans and where we're looking to have industry take more responsibility for the waste that they help generate. We've also moved to assist them in relying more on codes of practice, particularly for more mundane matters.

Whereas in the past a permit was required for virtually every kind of activity or initiative, what we're doing now is relying on those permits more for the bigger projects or for those that are more complex or that pose risk to the environment or to human health. For the more mundane type of activities, codes of practice have been established — for an example, with auto recyclers.

These kinds of codes of practice are designed in consultation with industry as well as the public. They're posted on the website for public review and comment. In addition, the ministry will proactively contact those who have expressed an interest in the past in that particular area or industry.

Once a code of practice is in place, the role of the ministry is to monitor that particular industry segment or sector to make sure that those codes of practice are being complied with.

[1050]

S. Simpson: Could the minister tell us what kinds of evaluation tools are in place and how the evaluation will work, around this changed business model, to ensure that it's achieving the objectives that the ministry has?

Hon. B. Penner: The ministry does perform what's called "effectiveness monitoring" to determine whether or not the codes of practice that are in place are reaching the outcomes that we had established through those codes of practice — to make sure they're actually achieving the result that we're looking for. There's a compliance and enforcement division within the ministry. There's a separate compliance branch, and they develop a strategy for a given period of time and for what priorities they're going to focus on in terms of monitoring, in terms of the codes of practice, and other activities. I mentioned that we're working on a number of codes of practice, and I can give the member some information if he's interested.

What we're currently working on: soil enhancement using wastes — I think that one has been in the media already and has attracted some interest; industrial, non-hazardous waste landfills; vehicle dismantling and recycling industry; concrete and concrete products industry; primary wood manufacturing industry — that's pertaining to sawmills; organic materials recycling regulation; and the hazardous waste regulation.

Those are a couple of areas where we're looking to develop codes of practice. Again, it's open for public comment. We'll be working on those. I'm not sure if they'll all be completed in '06-07, but they're works-in-progress.

S. Simpson: Maybe there's a combination here. When I look at the ministry priorities.... It said some of the priorities the ministry must address over the coming year, including "providing leadership and best environmental practices, supporting exemplary fisheries management and achieving the best in air and water quality."

I reflect on that, and I realize that those probably reflect somewhat the great goal number four, which the ministry has primary responsibility for achieving, presumably. Maybe I'll just move to the question around the great goal number four, which speaks about the very best practices in a whole range of areas. I wondered if the minister could tell us.... Here it is. Great goal four says: "Lead the world in sustainable

environmental management, with the best air and water quality and the best fisheries management, bar none."

[1055]

This is a pretty explicit goal. There's certainly nothing vague about this. It says: "Being number one in a whole range of areas." So the question I have for the minister is: how is that to be measured to ensure that the government actually meets this very explicit goal?

Hon. B. Penner: I know that the opposition critic, and I'm sure all British Columbians, would aspire to achieve the goals that the Premier and the government of British Columbia have set for us in this area. You're right. They're a tall order. But it's one that we're committed to meet in the years ahead.

In terms of performance measures, there are a number of performance measures listed on pages 38 and 39 of the service plan for water quality as well as for air quality. I can read those for the member if he likes, if he doesn't have the service plan with him.

We are continuing to work with a variety of people across British Columbia and, certainly, seeking suggestions from the opposition in terms of how they would help measure these objectives. But it is something that we're working to do.

It's easier, perhaps, in terms of air quality, to have objective standards. There are some measurables you can also do in terms of water. But I don't think we're just wanting to limit our discussion in terms of water quality, in terms of drinking water — what comes out of a tap. I mean, that's one potential measurement, but I think many British Columbians would also say that they would like to include in that objective the water that's in our wild rivers, our streams and our oceans.

When it gets down to measuring the health of actual ecosystems, and of course, water is an integral part of that, that becomes more difficult to measure. If you're just measuring the quality of water out of a drinking tap, that's easier to do.

There is a range of different measures that we can use, and some of those are listed on pages 38 and 39 of the service plan.

S. Simpson: I'm going to go back to this question again. I certainly would hope that the great goals weren't a rhetorical statement on behalf of the government. I'm hoping that it was a substantive statement and that one of the things, if you have a substantive statement, and if you make explicit claims.... The claim here isn't that we will be one of the best. The claim is that we will be the best.

If that's the assertion, that we'll be the best, I have to assume that there was some method put in place to determine whether that goal has been accomplished. The question I have is: what is the measurement that will be used by the government to determine whether we are leading the world in sustainable environmental management and whether we are the best in all these areas? How is that going to be measured?

Maybe I'll add to that question: what's the time line for achieving being the best?

[1100]

[S. Hammell in the chair.]

Hon. B. Penner: As I indicated, pages 38 and 39 of the service plan list a number of measurables. In addition, I should also refer the member to the government *Strategic Plan 2006/07-2008/09*. This document was released in February 2006, and it contains a number of specific performance measures particularly relating to air quality as well as water quality. In terms of air quality, it identifies fine particulate matter of PM-2.5 as a specific measurable that the government will be using in terms of determining our progress in achieving air quality objectives. As well, we've got water quality trends listed there, and there's a description of that in this particular document, in addition to what's contained in the service plan.

The Premier has said repeatedly that the five great goals we set out in the throne speech last year, last spring, and carried through the election were great goals for a golden decade, and that's our commitment.

S. Simpson: Then, we can expect.... What I hear the minister telling me is that by 2010, 2015 — maybe the decade is 2000 to 2010, this particular one — we will then have accomplished this goal, based on what the minister is saying and referencing the Premier's comments.

Could the minister, then, tell us how this particular goal is to be reported? Obviously, it's a very high bar. It's been set for British Columbians to measure, not just in this House but for British Columbians generally. Could the minister tell me: what is the tool for reporting how things are going in terms of achieving this goal in very explicit terms that the public will understand?

Hon. B. Penner: The ministry does prepare and release an annual service plan report. That report, I'm advised, is released in June of each year, and that will contain a description of what our ministry's objectives are as well as how we are doing in terms of meeting those objectives. That's a report that's available not just in a hard copy through public libraries but is also available through the Internet for anyone to access.

I should also point out that the Premier established a number of years ago the independent Progress Board, which reports from time to time on a variety of indicators in British Columbia. We can look forward to reports from that independent body about how we're making out in terms of these various environmental objectives.

[1105]

I do know that just last year — I think it was late last year — there was a report from another outside agency indicating that air quality trends have been improving in the lower mainland over the last number of years. I know there are a number of organizations outside of government that will, from time to time,

issue reports about how we're doing in terms of environmental objectives in the province, in addition to anything that the ministry puts out.

There are a number of checks and balances here. The public will be getting information from a variety of sources, but certainly, the ministry does put out an annual report.

The member is probably aware of this, but there are a number of things that the government has done over the last few years. I mentioned some of them in my opening comments in terms of, I think, key objectives or initiatives to help improve air quality, especially in the lower mainland but not limited to the lower mainland. I mentioned the PST credit for hybrid vehicles, a \$2,000 incentive to help people make the decision to purchase a cleaner operating vehicle. I must be candid. That \$2,000 incentive was a key factor for me. I made the decision last May to purchase a hybrid vehicle for my personal use. I know many other British Columbians are doing that. I know that within the Ministry of Environment, we're acquiring hybrid vehicles for our fleet in various parts of the province, and other ministries will be continuing to do that as well.

We're helping fund the \$1.9 billion rapid transit line from Richmond to the airport to downtown Vancouver, which will provide people with a real alternative to using their automobiles. We know at the present time that automobile traffic is the single biggest source of air pollution in the lower mainland. So if we're looking at improving air quality, we need to improve the quality of the fuels that are burned, improve the technology in the vehicles that are operating, reduce the amount of idling time on highways and reduce congestion, as well as provide people with reasonable alternatives to individual automobile use. That's through promoting things like the rapid transit line from Richmond to Vancouver.

S. Simpson: With the upcoming Olympics in 2010, we know that they are being advanced as the sustainability Olympics. Could the minister tell us what responsibility his ministry will have in ensuring that they actually meet high standards of sustainability? Is there a responsibility for the Ministry of Environment to ensure that we meet those standards, or does that all rest with VANOC?

Hon. B. Penner: The Vancouver Olympic committee, or VANOC, has made a commitment to the International Olympic Committee, or the IOC for short, in terms of sustainability benchmarks. The Ministry of Environment is working to support that objective. We have an assistant deputy minister from environmental protection who works on a cross-ministry committee helping support VANOC in achieving the objective of making sure that the 2010 Winter Games are the most sustainable Olympic Games that have yet to be hosted.

S. Simpson: I want to shift gears a little bit here and talk about the minister's office. Could the minister tell

us how many staff — in terms of ministerial assistants, executive assistants — does the minister have?

[1110]

Hon. B. Penner: At present I'm capably served by one ministerial assistant and two executive assistants.

S. Simpson: Maybe the minister could clarify. It was my understanding... I believe Mr. Muir is in the minister's office, and there was also a Mr. Palmer in his office — and I'm not sure whether he's still there or not — both acting as ministerial assistants. Now, the question I have is... I had heard that Mr. Palmer had left the office, but I don't believe that the OIC was ever rescinded. Could the minister tell me whether that's accurate?

Hon. B. Penner: That's something I'd have to check on.

S. Simpson: I'd appreciate that. Maybe it's just a bit of an oversight, because I do believe that if that is the case, then, if Mr. Palmer is working in government, presumably he's still on your payroll, whether or not he's someplace else.

I'd like to talk a little bit about some of the other staffing around executive and support services for a few minutes. Could the minister tell us: exactly what is the conservation data centre, what information does it have, and who is that information available to?

Hon. B. Penner: The data collection system that the member refers to is used to collect inventory data for species at risk. It supports not just the work of the Ministry of Environment but also the species-at-risk coordination office and other ministries across government in identifying issues that need to be addressed in terms of species at risk. It's also recognized, I'm advised, in the bilateral agreement between the province of British Columbia and the federal government as the source of information for identifying species at risk.

S. Simpson: Maybe we'll get to talk about that a little bit more when we talk about species at risk and the ability to access some of that information.

I'd like to ask about some of the priorities and responsibilities within the executive support area. Could the minister tell us about how, in strategic planning, intergovernmental relations work?

I'm going to use a specific example. We know that currently there is work being done on the forest stewardship plans under the Minister of Forests and Range. There obviously are significant environmental issues around that.

[1115]

How does this ministry ensure that its objectives and standards are met with a ministry like Forests and Range as it does forest stewardship plans? What is that relationship in terms of ensuring that your broad goals are actually accomplished in the work of other ministries as they relate to Environment?

I raise that because it is my expectation that the minister is the steward for the environment at the cabinet table and has primary responsibility for ensuring that environmental considerations are always in the forefront when other ministries are doing their work. So how does that relationship work, whether it be with Energy or Forests or others, to ensure that you keep the environment at the forefront in the considerations of those other ministers?

Hon. B. Penner: I should start by saying that there is a cabinet-level committee on natural resources and the economy, which is used to identify cross-cutting issues that affect a number of different ministries and that reflect different government priorities. That's also mirrored with a deputy minister-level committee on natural resources and the economy, which meets on a fairly frequent basis.

Then there are a number of other committees that take place, again cross-cutting the different ministries. There's the integrated land management committee. I believe assistant deputy ministers are involved on that level. As well, specifically, there's a steering committee for the Forest and Range Practices Act. I'm advised that Assistant Deputy Minister Wilkin serves on that committee and looks forward to each and every one of those meetings.

S. Simpson: I'm sure, minister, that it just makes her day every day when she has one of those meetings.

I have one more question for right now. It's actually an information request. If the minister could just confirm the availability of the information, then what I'd like to do is turn the floor over to my colleague to discuss fisheries-related matters.

The information request. I wonder if the minister, through his staff, could provide a list of numbers of staffing levels, particularly around numbers of full-time and seasonal conservation officers, full-time and seasonal park rangers, the staffing complement of biologists and the staffing complement of science technical officers that are in the ministry. That would be helpful. Maybe just to add on to that a little bit, if we could get some breakdown around the conservation officers and park staff as to which areas or facilities they're in.

If the minister could confirm that that information is available in that detail. If so, then I'll turn it over to my colleague to talk about fisheries.

[1120]

Hon. B. Penner: I'll work to get that information and see what we've got.

I can just provide an update, though, in terms of the question the member asked pertaining to staffing in my minister's office. I'm advised that... I think it was on December 13, 2005, if you checked the records, that you'd find the appointment of Joel Palmer as a ministerial assistant to the Minister of Environment was rescinded.

R. Austin: I'd like to begin by asking a question with regards to the New Relationship. I understand

that this is a cross-ministerial responsibility. I'd like to know what resources the Ministry of Environment has set aside for consultation with first nations in respect to fish farm applications, particularly in terms of new money as of April 1 this year.

Hon. B. Penner: The Ministry of Environment does not process or handle specific aquaculture applications. Those are handled by the Ministry of Agriculture and Lands.

R. Austin: What about the environmental side of fish farm applications?

Hon. B. Penner: The Ministry of Environment has consulted with the Ministry of Agriculture and Lands in devising the standards that apply, so we do have waste regulations that apply to aquaculture facilities in British Columbia. Those regulations are the responsibility, as I understand it, of the Ministry of Environment. In terms of actually handling a specific application to establish an aquaculture facility, that's handled by the Ministry of Agriculture and Lands. This is an area of discussion that I think was canvassed quite thoroughly last fall during the estimates debate.

R. Austin: Then, the Ministry of Environment is responsible for ensuring that the current regulations look at the effects of open-net fish farming directly underneath the net and in the close vicinity. Is that correct?

Hon. B. Penner: Under the Environmental Management Act, the regulation sets what the allowable standard or impact is underneath those pens that the member is referring to. The facilities are subject to inspection and possibly enforcement action.

R. Austin: Does the ministry generate reports on research with regards to the far-field effects? We understand that there's a lot of research in the immediate vicinity underneath the nets, but now there are papers coming out.

[1125]

I would like to ask the minister whether there are any research papers that show what the effects are in terms of the waste material once it gets moved further downstream as a result of the ocean currents and whether that's a responsibility of his ministry or DFO to look at the far-field effects of open-net fish farming?

Hon. B. Penner: The existing regulation, which I believe was put in place in 2002, contained a commitment.... There was a commitment around that it would be reviewed in five years' time. So that's next year, 2007. There will be a review done of the waste regulation as it pertains to aquaculture sites, and at that time the ministry will certainly be looking at whatever information is available to us in determining whether or not those standards are appropriate as set out in that regulation.

I'm advised that the Department of Fisheries and Oceans is also actively involved in this area and is

looking at the broader implications for aquaculture sites along the coast.

R. Austin: Is the research that's currently ongoing with regards to far-field effects available for the public to take a look at?

Hon. B. Penner: My understanding is that the Department of Fisheries and Oceans is leading the work in this particular area. Certainly, we can inquire from the Department of Fisheries and Oceans the status of their work and whether it's available to be released to the public.

R. Austin: If it is, would I be able to have a copy of that research?

Hon. B. Penner: I will check with the Department of Fisheries and Oceans about just where the status of that work is and whether it's ready to be released.

R. Austin: It's been my observation that the opinions of scientists employed by DFO and by the province of B.C. differ from the views of many independent scientists in the province with regards to impact of farmed salmon on wild marine populations. Could the minister please explain these differing viewpoints to me?

Hon. B. Penner: I'm not a scientist, and I don't think the member purports to be either. But I have been a lawyer in the past, and it's frequently been said that if you put two lawyers in a room, you'll often come up with three different legal opinions. I'm told that in the scientific community it's also not uncommon to have a divergence of views — not so much about what the science is but the interpretation of that science.

I've been coming to appreciate in my nine or ten months in this role as Minister of Environment that well-intentioned people, well-informed people, looking at the same set of facts can often come to different conclusions. I suspect that's a part of human nature. You find that, not just in the legal or scientific profession but also in the accounting profession.

[1130]

If there weren't a variety of views, we probably wouldn't have as much need for people in the legal profession or the accounting profession. I should point out that because of the disparity of views in terms of interpreting that scientific information, the Premier appointed John Fraser and established the Pacific Salmon Forum to review the available information and to provide advice.

As well, I know that the member is serving, if not chairing, the current standing committee of the Legislature that's examining issues to do with aquaculture in British Columbia. I know that committee has been busy in its work. I'll follow that work as much as I can, and I look forward to the outcome of the work of the committee.

R. Austin: Notwithstanding the minister's comments with regards to divergent views within some-

thing as complex as fish biology, my question really pertains to the fact that the divergent views are such that the majority of independent scientists have a preponderance of evidence to show that there are lots of concerns that arise from open-net fish farming, whereas the preponderance of evidence of those who say it isn't such a big concern lies specifically with the scientists who work for the Department of Fisheries and Oceans and for the minister's own department.

That's what my question was relating to. Is the minister not worried that the view he is getting from his experts may not jibe with the view of all the scientists out there?

Hon. B. Penner: Just to reiterate something that I said earlier and that was canvassed last fall extensively, the lead responsibility for siting aquaculture facilities along the coast of British Columbia rests with the Ministry of Agriculture and Lands. We are responsible in the Ministry of Environment for developing the waste regulations. There is a review coming up in 2007.

In terms of the divergence of views from the scientific community, it's clear that there is a divergence of views. Again, that's why the Premier established the Pacific Salmon Forum and appointed John Fraser to review some of the differing opinion that exists out there in the scientific community and to bring forward advice to government and to others.

I know the member is working on the legislative committee for everyone in the province, and I look forward to the recommendations of that committee as they try to stick-handle through the different information that's available.

R. Austin: I'll move on.

Last night I was asking the Minister of Agriculture and Lands some questions with regards to ocean ranching, and he asked me to pose these questions to the Minister of Environment, as the oceans division is under that ministry's mandate. In regards to ocean ranching, has our province ever looked at what and how Alaska organized and rebuilt its fishery?

Hon. B. Penner: The ministry is aware of what's taken place in Alaska, and we're also cognizant of the fact that there are different constitutional responsibilities or authorities in the United States of America as compared to the federation in Canada. In Canada the Department of Fisheries and Oceans has primary responsibility for ocean waters. I'm advised that in the United States of America individual states have authority going out three miles from the shoreline and that beyond three miles is when the federal government in the United States has constitutional authority — for regulating issues pertaining to fisheries, for example.

In Alaska I'm advised that the primary reason for recovery of fisheries and fish stocks was due to a strict conservation regime that was implemented and that has, in large measure, accounted for improvements in their fisheries.

[1135]

It's also worth noting that they don't have the same amount of development or human presence in Alaska

as British Columbia does. Alaska is a huge state, but their population, I believe, is something in the order of 600,000 people. British Columbia has a population of about four million people, and there are a greater number of coastal communities and industries located along the coastline of British Columbia.

R. Austin: I'd like to ask a couple of questions that relate specifically to my region — to Skeena, the northwest of British Columbia. After five years the government has come up with a classified waters committee, and it remains to be seen how well this will work. In the meantime there has been quite a growth in illegal guiding on the Skeena River.

My question is: is the minister aware of how much illegal guiding happens on our premier steelhead streams, and what does the minister intend to do about that? In New Brunswick they have required all non-resident aliens to use a local guide when they enter Canada, but currently what's happening on the north coast is that foreign guides organize their tours abroad and then come up here and set up shop in British Columbia and then, essentially, don't have any regulations. Some of the COs working up in my region suggested there is as much illegal guiding happening on the Skeena River as there is legal guiding. Is the minister aware of this?

Hon. B. Penner: The ministry has established a quality water strategy. In many parts of the province I'm hearing some very positive things about that. To some extent, it's still early days. We're still fleshing out that strategy in different parts of the province. One component of that is angling management plans established for specific parts of the province, and as I said, we're still implementing it in certain regions.

[1140]

I do know that in some parts of the province we have issues around compliance and, specifically, whether or not people have the appropriate permits or licences. That's why we have conservation officers; that's why we are hiring an additional 19 conservation officers. Actually, the new batch of 19 conservation officers started their training yesterday, and they will be out in the field beginning in May.

It's also why last week at the Wildlife Federation I announced a new toll-free phone number for people to call and report all poachers and polluters, so that if they are aware of violations taking place — people conducting fishing activities, for example, without the appropriate licences — they can report that information anonymously through a toll-free number: 1-877-952-7277, or RAPP — Report All Poachers and Polluters.

British Columbia is a huge province. We'll never be able to have enough people on the payroll to literally stand behind every tree or along every stream bank, so we do count on members of the public, if they become aware of illegal activity, to let us know as soon as possible so that we can respond.

R. Austin: To the minister: of these new 19 positions around the province, how many of them are going to be located in northwest B.C.?

Hon. B. Penner: I don't have the news release with me, but it's contained in the news release where the specific locations are for the new conservation officers. I believe that news release would have gone out about two weeks ago, but I don't seem to have it here in front of me. I can get the member a copy, or it's available on the Ministry of Environment website.

I can tell the member that in terms of full-time, year-round conservation officers, there are a number, of course, in the northwest: four in Smithers, four in Terrace, one in Atlin. I may be missing some other areas of the northwest, but I will endeavour to get that information about the seasonal conservation officers. It is my understanding that there are some additional positions, in terms of that announcement from two weeks ago, that are intended to go to the northwest part of the province.

I'm noting the hour, Madam Speaker, and would suggest that we move adjournment of debate.

Motion approved.

The committee rose at 11:44 a.m.

The House resumed; Mr. Speaker in the chair.

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

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

Hon. B. Penner moved adjournment of the House.

Motion approved.

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

The House adjourned at 11:46 a.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF
AGRICULTURE AND LANDS
(continued)

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

The committee met at 10:11 a.m.

On Vote 12: ministry operations, \$84,868,000 (continued).

B. Ralston: I wanted to resume a series of questions about the Agricultural Land Commission. Yesterday

the minister said that the way in which panel members were appointed was that they were assessed by the board resourcing office, and I believe one of the phrases he used was their willingness or their ability to understand government policy and accept government policy in achieving the objectives set out for the individual commission. I want to make sure I had the minister's statement on that issue correct. Is that a fair summary of what the minister said?

Hon. P. Bell: The member is paraphrasing, and at the risk of ensuring that the record is clear, what we would look for in prospective ALC members, certainly, is a list of qualifications that would ensure that they understand the appropriate processes that the Agricultural Land Commission operates under and that they can be objective in their decision-making processes within the policy direction that would be put in place for the agricultural land decisions.

B. Ralston: I'm wondering if the minister sees the danger in requiring that members of a quasi-judicial panel express an agreement with government policy prior to being considered acceptable for appointment.

Hon. P. Bell: Not at all. In fact, I think that would be not dissimilar to appointing a judge and asking them to rule within the constraints of the laws that are passed by duly elected bodies.

B. Ralston: I don't think we should strain the judicial analogy too far. Judges are appointed for something more than a fixed term and are not subject to review at the end of a three-year term for reappointment. I don't think the analogy really follows.

Obviously, in light of recent events, the political nature and the judgment of individual panel members is going to come into question — or has come into question, in the case of some individual panel decisions. Again, to the minister, then: is the minister satisfied that the appointment process excludes improper political considerations from it and produces only politically objective persons to sit on panels?

[1015]

Hon. P. Bell: I'm not sure that the two statements the member just made aren't conflicting. The expectation of any appointment would be that decisions are made objectively and do not... There's no risk of political interference in the decision-making process. I hope that answers the question. But if it doesn't, I'm sure we'll have more opportunity.

B. Ralston: I understand that Mr. Dhillon was the campaign chair of the election campaign of the Minister of Tourism, Sport and the Arts. Does the minister want to confirm that?

Hon. P. Bell: I can't confirm that. I don't have that level of knowledge here; nor would it be appropriate to

canvass that in the estimates of Ministry of Agriculture and Lands.

B. Ralston: Perhaps, then, the minister can give me some advice as to where this important public issue might be canvassed if he's not prepared to answer the question.

Hon. P. Bell: I'm advised that since the board and resourcing office reports through to the Minister of Labour and Citizens' Services, it would be appropriate to canvass that type of question at that place.

B. Ralston: Yesterday, as the minister is aware, a series of charges were.... An indictment was preferred against a former official in the Ministry of Finance, and the allegation — which are obviously only allegations at this stage, and the presumption of innocence, of course, applies — concerns an alleged transaction relating to the agricultural land reserve in the lower part of Vancouver Island in Sooke. I don't want to, and I don't propose to, enter into any of the specifics concerning that case, but in light of those charges, has the minister directed the commission to review, or has he initiated at his own request, a review of the decisions of the commission in that period of time?

Hon. P. Bell: I have not, but what I can confirm to the member is that the RCMP has confirmed that neither the ALC nor any of its staff are the subject of any investigation and that there's been no impropriety on the part of the commission members or staff at the ALC. We were advised of that by the RCMP there late last evening or early this morning.

B. Ralston: Notwithstanding that position of the police concerning the particular investigation — and, again, I don't propose to enter the particular investigation — does the minister propose to initiate on his own a review of the decisions of the commission, particularly the south Island panel from 2002 to the present?

[1020]

Hon. P. Bell: I should be clear, again — and I've just read into the record the RCMP comments from this morning — that at this point I have no information that would compel me to do a review of the nature suggested by the member opposite. However, I think it's important that we allow the court case to come to a conclusion in the processes under which it normally would. We'll be watching that process very carefully, and should we feel the need arise to do a review, certainly we would engage in that.

B. Ralston: Is there a code of conduct or a prescribed code of ethics for members of the panel, and particularly vice-chairs, in dealing with lobbyists?

Hon. P. Bell: Yes, there is. There is a governance policy that is posted on the ALC website, and within that governance policy, there is a code of conduct spe-

cifically as it relates to commission members and how they would conduct their affairs and their decision-making processes. That is available on the website for the member.

B. Ralston: I understand there's a public process in considering an application, and initially, there's a public meeting. Is a member of a panel, a vice-chair, prohibited by the code from meeting with proponents of a project after the public meeting — much as in a municipal council? After the public hearing, a member of council would be ordinarily prohibited from meeting privately with individual proponents of a project and would be required to receive any additional update, as a member of council, through staff. Is that part of the code of conduct that applies to vice-chairs who are making these very important and significant land use decisions?

[1025]

Hon. P. Bell: I can confirm that the rules today as they relate to meetings on the part of commissioners and the model under which the decision-making process occurs are the same as they were in 1999. The only thing that has changed is the number of panels, from three to six panels since that point in time, but the rules were the rules that were brought in under the previous government.

I'm advised, first of all, that the rules do not compel the commission to have a public meeting; that more often than not they choose to have a public meeting, but there's not a rule that compels them to have the public meeting; that commissioners are allowed to meet with the proponents after a public meeting takes place in the decision-making process.

I'm also advised that the commissioners are only not allowed to meet with the proponent prior to the formal submission of documents, that once the documents have been officially filed, then the commissioners should feel free to meet with whomever is necessary in order to gather the information necessary. As I said, these are the rules that have been in place since 1999.

B. Ralston: Well, let's take a specific example. Just by way of illustration, in the Barnston Island application, the application was filed over two years ago. The public meeting took place just under two years ago, and yet no decision has been made. Is there any record of the number of times that the proponents would have met privately with the vice-chair concerning the project over that two-year period?

Hon. P. Bell: There is a procedural requirement for any of the panel members who meet with any proponents to provide that documentation back to the panel.

B. Ralston: Then if I could just clarify, is the minister saying that there's a requirement to provide copies of the documentation that might be furnished during the meeting? My question is a more general one. Is there a record of meetings? There might very well be meetings in which there are further oral submissions

made or qualifications to the application introduced, and I'm wondering if there's any record of those.

[1030]

Hon. P. Bell: Yes, there is an ongoing record of any of those meetings, and I apologize. I said report back to the panel. I meant report back to the commission in my previous comments.

B. Ralston: Do the rules require that those further submissions be circulated to other parties of interest who might have participated in the initial hearing in order that they might further comment on that?

Hon. P. Bell: The process is that any documentation that is received is distributed to all interested parties.

B. Ralston: Then is the record that's created accessible to the public through the commission? I know the commission doesn't provide its decisions on its website. I'm wondering how one might go about getting access to this much more detailed aspect of the file.

Hon. P. Bell: I just want to correct the member. He'd indicated that the decisions were not made public. In fact, all the decisions of the Agricultural Land Commission are posted on their website and available to anyone with Internet access, so I think that's incorrect.

[1035]

I'll try and be a little more specific in terms of how the process works. When different individuals and/or groups register their interest in a decision.... There isn't a formal process for that registration, but if they, you know, attended a meeting and indicated that they had a significant interest in any application, they would then be placed on a list and would receive ongoing documentation from the commission on any new documentation that was entered into the process so that they would be able to provide comment, as well, on the decision as it was going forward.

I think I've answered the two questions in that yes, in fact, it is posted on the website. The decisions are posted. Yes, the information is available. It's automatically sent to interested parties and is publicly available on request to anyone else.

B. Ralston: Would an interested party who had registered or who was informally registered receive notice of meetings between the proponent and the vice-chair on an individual application?

Hon. P. Bell: I'm not going to refer to any file in particular here, but generally, if there was a meeting held, there would be a record kept of that meeting. The record would then be provided to any of the interested parties that had been of note through the process and, further to that, would be made available publicly on request.

B. Ralston: The minister said that the commission is not compelled by its procedural rules to have a public

hearing. As a matter of policy, does the minister support that, or is he prepared to give a direction that in the case of larger applications in terms of acreage, a public meeting be compulsory?

Hon. P. Bell: As I understand it, there's been no policy direction from government on this matter since 1999 when the act was originally developed. I am advised that it is a matter of policy within the Agricultural Land Commission to hold public meetings whenever there is any application of any profile. In fact, I think there are as many examples of where there have been public meetings held in any of those situations. So the process seems to be working at this point in terms of ensuring that the public is adequately informed.

B. Ralston: The statute that governs the legal operation of the ministry tribunal.... There was a new statute introduced in the past, in 2004. The name of it doesn't come to mind just at the moment. One aspect of that statute was to give the tribunal the opportunity to create rules that would set out a certain time in which, after receiving an application, a decision should be rendered.

[1040]

We canvassed this yesterday somewhat, but I'm interested, first of all, in knowing whether there's a procedural rule that the commission has about a time that the panel is required to render a decision after the application is received — three months or two months or six months — or not. If there isn't, what's the minister's view on that?

Hon. P. Bell: The 2004 Administrative Tribunals Act has components that the Agricultural Land Commission is bound to take into consideration. I understand it's about the first ten sections of the bill. There is not, within the current Agricultural Land Commission process, a time constraint for decisions. I'm advised that that actually goes back to 1973 when the act was first enacted. There's been no change in that time constraint.

I actually appreciate the member pointing out that this is missing from the act. As the member will know, there are many other examples where this government has put in place time constraints for decision-making processes. I'll be pleased to have officials take a look at that and see if that's appropriate in this situation.

B. Ralston: I want to turn now to the panel record of exclusions. I'm advised that the record of exclusions of the Island panel between 2001 and 2005 — those are the fiscal years — in terms of percentage of hectares approved is 86.8 percent. Does the minister have any idea what's driving that extraordinary success rate of applicants on the Island?

[1045-1050]

Hon. P. Bell: We've gone back, because the member points out something that's interesting in terms of looking at the ebbs and flows of percentage of land ex-

cluded from the agricultural land reserve. We tried to look back over a ten-year period and see where the most significant removals have occurred.

If the member wants the most current statistics, in 2005, 64 percent of the land that was applied for was removed from the agricultural land reserve. That's the most current statistic. But if we go back ten years, there were actually four times.... This is for the Island panel. There were four times where the percentage of land removed was greater than 90 percent, and those four years were 1996, 1997, 1999 and 2004.

B. Ralston: Well, with respect, the minister hasn't answered my question. What are the factors that are contributing to this rate of success on the south Island panel during the period 2001 to 2005?

Just before the minister answers that, I've been advised by a note that although decisions are posted on the commission website, they only go back to 2004. Obviously, there's a bit of interest today in decisions in the 2002-2003 period, and those are not accessible on the website.

Hon. P. Bell: Perhaps the member didn't get the theme of my response to his first question, so I'll try and walk him through it again. There are, at any particular point in time, ebbs and flows in the amount of land that is excluded in terms of the percentage of land relative to the overall amount of land that was applied for.

[1055]

What I was trying to point out to the member was that it appears to occur periodically at different times. That, therefore, can potentially skew the statistics for any given period of time that a member chooses to look at. As I said, in the year 2000 it was 64 percent. I'm not sure why that was significantly less than the average. I can't, unfortunately, enlighten the member as to why that would be the case. In 2001 it was also 64 percent. Conversely, '96, '97 and '99 were all at 91 percent.

Really, I don't have the information to enlighten the member on why a particular area had a higher percentage of success than another area for any given point in time. So my answer to that question is: there is no direct indication that I have other than that it is an anomaly that moves through the system.

The second point that the member commented on was that decisions are only posted back to 2004. The member's quite right. That was an initiative that we brought into place in 2004. However, all decisions are publicly available at request from the Agricultural Land Commission. Just the decisions since 2004 have been posted, and we will continue to post the decisions on the website on a going-forward basis.

B. Ralston: I want to turn now, since Mr. Fry is here, to some questions about staffing at the commission. According to the information I have, there are currently 21 positions at the ALC, although as of December 2005 three positions were vacant. Can I confirm that that's accurate?

Hon. P. Bell: That's correct.

B. Ralston: The three vacant positions — do they remain vacant? If so, what's the reason for that?

Hon. P. Bell: The three positions that are currently open at the Agricultural Land Commission include the CEO, and there are two other positions of individuals who left and were not replaced. The commission is currently considering how to best allocate those resources. They are funded positions.

[1100]

Management's working with the executive committee right now to make a decision on how best to apply those resources. There is consideration of one of those positions being an enforcement coordinator, although I don't believe that decision has been made yet by the management committee. I guess that's all. That answers the question, I think.

B. Ralston: Can the minister, then, advise: how long, as of today's date, has the CEO position been vacant?

Hon. P. Bell: Since about the summer of 2005.

B. Ralston: Generally, best practices in most organizations would dictate that a position as important as the CEO not remain vacant for that length of time. Can the minister advise just why there's no decision been made? Does that reflect his lack of confidence in the commission or a lack of a sense of its importance in the policy framework? Or is there some other reason why it has not been filled?

Hon. P. Bell: Actually, we think the Agricultural Land Commission does very, very good work, and one of the things that we do on a regular basis is ensure that resources are allocated appropriately. Mr. Brian Underhill has been acting as CEO since Mr. Miller left the position. I'm currently awaiting a recommendation from the new chair Mr. Karlsen on whether or not we should fill that position or reallocate the resources within the Agricultural Land Commission to a different area. I'm awaiting a recommendation from Mr. Karlsen on that matter.

B. Ralston: Just so I'm clear: one of the options is abolishing the position of CEO and restructuring the flow of work in the commission?

Hon. P. Bell: No. We will, in fact, have a CEO within the Agricultural Land Commission. The decision that we are awaiting a recommendation from the chair on is just a reflection of what the management structure would look like and where to best apply those fiscal resources.

B. Ralston: Is the minister aware of concerns expressed by many stakeholder groups about a lack of capacity at the commission? I invite the minister to comment on that. If he agrees with that or has heard

those concerns expressed by stakeholder groups, how does he plan to address it?

Hon. P. Bell: No, I have not been advised by any stakeholder groups that the commission is lacking capacity.

B. Ralston: Given what the minister has said and given the continuing vacant positions, is there any particular reason why the staff complement at the commission is not being increased — given that there is an increase in the volume of applications and that there are some new duties that have been assigned to the commission, particularly in the enforcement area, I understand?

[1105]

Hon. P. Bell: Actually, the Agricultural Land Commission is currently meeting its objectives as stated in the service plan. There was a lift to the Agricultural Land Commission's budget this year of 2 percent. In addition to that, as a result of the successful contract negotiations that have been completed with the BCGEU, the raises for the staff complement will also be added to their budget, which will reflect an additional increase.

B. Ralston: As we've discussed earlier, there's a government caucus initiative to create an agricultural plan. Does the minister see the role of the Agricultural Land Commission and the future of the ALR as part of the job of that government caucus committee?

Hon. P. Bell: A review of the Agricultural Land Commission is not included in the terms of reference for the work of the committee, nor is it contemplated that there would be a detailed review of the Agricultural Land Commission. That said, I don't want to prejudge the work of the committee or the recommendations, perhaps, that might be made by the opposition with regards to that work. I think we need to allow that work to be done.

B. Ralston: The minister refers to terms of reference of this government caucus committee. I've not yet received them or received word that they've been made public. Can the minister confirm, first of all, that they exist, and secondly, will he commit to make them public right now?

[1110]

Hon. P. Bell: There is a terms of reference. We will make it public. We don't have a copy here, but certainly we'll provide the member with a copy before the end of the day.

B. Ralston: I want to shift gears slightly. The minister is responsible for the act governing veterinarians in the province. The college of veterinarians, according to a number of representations I've received, is a very embattled institution, particularly when it comes to admission of new veterinarians. I wonder if the minis-

ter can advise.... I appreciate that many of these issues are before the courts in litigation. But in a general sense, is he satisfied that the college of veterinarians is discharging its statutory duties fairly?

Hon. P. Bell: The veterinary college is a self-governing body. It is regulated by statute. The statute is housed in the Ministry of Agriculture and Lands. The board is not appointed, the college is not appointed, by the ministry. Our only role in working with the process is by housing the statute and making changes to the statute if it's deemed necessary. That would be our role. There's been nothing brought to our attention at this point, which would indicate that the statute needs to be changed.

B. Ralston: I appreciate that it's a self-governing profession, but there does come a time in the conduct of any self-governing profession when there is a residual authority of the minister to intervene if the basic mandate given to the society by the statute is not being discharged. Certainly, one side of the story that I'm hearing suggests a very embattled, litigious organization that seems far from conducting its affairs in a harmonious way. I'm wondering if the minister is at the point where he's prepared to review whether the objectives that are given to this self-governing profession are being met.

Hon. P. Bell: Our current review of the situation does not indicate that it is necessary for us to engage in the process. However, we have not ruled out the possibility that it may be necessary for us to get involved at some point down the road, and we're continuing to closely monitor the situation the member refers to.

B. Ralston: If I can just give the minister an example. Obviously, the accreditation of foreign-trained professionals is an issue in many professions — indeed, many self-governing professions.

[1115]

I'm advised that the English language proficiency requirement to become a veterinarian is greater than that required to become a physician and requires an English language requirement that almost mandates the fluency of a native speaker, which is obviously very difficult to attain for even the most accomplished professional learning a second language.

Is the minister prepared to consider reviewing that particular requirement for entry into the profession as part of a review of whether this particular self-governing body is meeting its public obligations?

Hon. P. Bell: That, in fact, is the subject of the litigation that is currently underway, and it would be inappropriate for the ministry to engage in that until the litigation has been completed.

B. Ralston: Many self-governing bodies have public members that are appointed by the government. Is the minister prepared to review the statute and introduce

public members to the governing body of the veterinarians in order to perhaps elevate the decision-making process there?

Hon. P. Bell: The member quite rightly points out that there has been a trend in recent years of the appointment of lay members to various professional colleges. Again, with reference specifically to the veterinary college, we are monitoring the situation closely. We don't feel we're at the point yet that would require intervention, but the type of action that the member just pointed out would be one of the considerations we could look at in the event that we felt it was necessary to intervene.

B. Ralston: Can the minister just confirm, for those who may approach me — obviously, this is an ongoing issue that I'm receiving representations on — that the minister does retain a residual power to review the ongoing operations of this college and is prepared to consider that, if he deems it appropriate — just to conclude on this issue?

Hon. P. Bell: We may have to do this a couple of times, and I hope I'm clear with it. The responsibility of the ministry is not to intervene in the day-to-day operations of the college. However, if we felt it was necessary to make a change in the act, the act is where we would house the notion of having lay members on the board. So if we thought it was necessary to intervene, the appropriate course of action would be through the legislated and regulatory regime. One of the considerations that could be made here would be, as the member opposite indicated, the appointment of lay members on that board.

B. Ralston: I want to switch topics again. I want to talk about the implementation of the new slaughter regulations, and I know that this minister carries half of that file and the Minister of Health carries the other half.

[1120]

Since yesterday and the announcement of the new provisions, which I think have been quite favourably accepted, some concerns remain that have been pointed out to me. For example, in more remote areas, it doesn't seem to be one representation. I saw on a website from someone in the Queen Charlottes.... It doesn't appear to offer a resolution of the problems posed by the implementation of the new regulations — to someone in that location. Has the minister rejected, or is he still considering, for example, the idea of certifying local veterinarians to do the pre- and post-mortem slaughter inspection? I'll leave that question. I have another follow-up question.

Hon. P. Bell: At the risk of answering a question that would be more appropriately canvassed under the Ministry of Health estimates, I will say that the Ministry of Health, as I understand it, currently has the ability to appoint third-party inspectors. I think the important part that may have been missed, because it was a

fairly large and significant announcement, is the commitment to cover all inspection fees to 2012.

The producers on Haida Gwaii would simply put in a request for an inspector to come at a specific point in time. The inspector — whether it is a third-party inspector such as a veterinarian located on QCI — would be paid for by the Ministry of Health up until 2012, which is a five-year window. I think that alleviates, at this point, the concerns of small local producers.

[Interruption.]

B. Ralston: Fortunately, I'm not bound by the rules of the other side when it comes to cell phones going off unexpectedly. I apologize for that.

Someone really wants to talk to me. I thought it was off. It's off now. I apologize.

The \$50,000 that's been provided to be administered through the Investment Agriculture Foundation for smaller operations — does that apply to the mobile abattoirs?

Hon. P. Bell: A mobile abattoir would be considered for funding. Further to that, if it was done in a regional manner as it could conceivably be on Haida Gwaii, they would qualify for up to \$100,000 in funding.

B. Ralston: One of the discussions that took place last time was that part of the mobile abattoirs would be to require what is called a docking station — in other words, provision of water and some method to dispose of offal from the slaughter. Is that again contemplated as being covered by this particular funding?

Hon. P. Bell: Either this fund that has been recently created or the previous fund created by Investment Agriculture Foundation for removal of specified risk materials could qualify as funding opportunities for docking stations.

[1125]

J. Brar: I have a few very simple questions. Yesterday I met with the B.C. Agriculture Council to discuss the issues important to the farmers of British Columbia. They have a number of issues, but I would speak to one that relates to the shortage of workers.

They have a specific recommendation on that one, which I would like to quote: "The development of a human resource action plan based on skills and supply gap to address looming labour shortage at the skilled and managerial level and continued support of the seasonal agricultural workers program to address critical season labour supply shortage."

I would like to ask the minister: what is your response to that particular recommendation by the B.C. Agriculture Council?

Hon. P. Bell: We are very supportive of the seasonal farmworker program. In fact, I've raised that issue specifically with Minister Strahl, and I'm working

with colleagues to see an expanded seasonal agricultural worker program.

In addition, the member quite rightly points out that one of the difficulties when you have significant employment growth, as we have had here in British Columbia over the last number of years, is that there are not enough people to fill the jobs. In fact, I heard a very interesting statistic the other day — that in the next ten years, it is estimated there will be a million job openings coming available through new jobs and retirement, yet there will be only 600,000 people graduating from high school to fill those jobs.

It is a very challenging issue. There is a cross-government initiative focused on this particular area, and we work very closely with the Ag Council specifically on filling those positions and the support of the seasonal agricultural workers program.

[R. Cantelon in the chair.]

J. Brar: Thank you for the answer.

During the last two weeks I met a number of farmers in the lower mainland as well as in the Okanagan Valley. One of the questions related to this, brought to my attention by them, is that at this point in time the options are limited to bringing in labour from Mexico only. In other words, they can't bring in people from other countries. Could you explain why they are not able at this point in time to bring in people from countries other than Mexico?

Hon. P. Bell: The seasonal agricultural workers program is actually a federal program. The federal government has responsibility for immigration, as the member will know, and that is why there are limitations in terms of seasonal agricultural workers only coming from Mexico at this point in time.

Several of my colleagues in cabinet and I are working with the federal government to support an expansion of the program to countries beyond just Mexico.

J. Brar: I understand that this is a federal issue, but why I ask this question... I think about a year ago, one minister of this government went on a Punjabi radio program. The minister indicated that this government is working hard, and there's some initiative being taken to include some other countries. That's why I'm asking this question.

My question is more specific to this. Have you already taken some initiative on this, or are you aware that another ministry has taken an initiative to include other countries when it comes to seasonal farmworkers?

[1130]

Hon. P. Bell: As I just indicated, several of my cabinet colleagues and I are actively working for an expansion of this program with the federal government.

M. Sather: We had canvassed a few questions about the mountain caribou recovery last week, and I

just want to ask the minister a few more questions about that.

I know he'd addressed issues to the critic for Environment around recreation tenures vis-à-vis interim measures until the report is completed, but I want to ask a bit about logging, because logging in mountain caribou habitat does continue to be an issue. Some companies — namely, Canfor and Tembec — have made commitments to recovery, including reserves of core habitat. Others, such as West Fraser, continue to log and plan cutblocks in critical habitat.

My question is: will the minister and the government act expeditiously on the recommendations of the science panel to stop logging by licensees, including B.C. Timber Sales, in mountain caribou habitat?

Hon. P. Bell: The member, I think, points out an important issue. As he knows, there are a number of areas in which there is mountain caribou habitat currently under various forms of protection, and various forms of tenure protection are in place. We are confident that the process of the recovery plan for the mountain caribou is moving along in a very timely fashion.

We think we will be able to deal with it in that manner, that we'll be able to get to a successful result with the recovery plan and the implementation of the recovery plan, and that we wouldn't be required to put further protective measures in place. If, however, there was a delay in that process, we would certainly consider putting in protective measures if we didn't think we could meet the appropriate time frames that will be necessary, particularly with regards to the more challenged routes.

M. Sather: One more question to the minister. Again, with regard to the timeliness issue for the caribou, recovery for the southern Purcell and southern Selkirk herds is most critical. Will the government act in an expeditious and timely manner, with regard to the transplant of caribou to those two herds to make sure that they don't become eradicated?

Hon. P. Bell: We're awaiting the final science panel comment on transplantation of caribou. I don't want to prejudge the science panel's recommendations on that. But clearly, if that was one of the recommendations that was received and accepted by cabinet, it would be one that would be acted on.

G. Gentner: I rise with a perennial question that keeps coming back, and the minister is well aware of what I'm going to ask. I've already talked to him in private, but I have to get it on the record.

The corporation of Delta agreed with the ministry that if they submitted their final position on agricultural bylaw before October 15, the minister would sign off. The minister has not signed off on the agricultural bylaw for Delta, so my question is: why, and when will it finally be done?

[1135]

Hon. P. Bell: To be clear, my comment when I met with the mayor and staff from Delta was that if they were unable to get agreement from ministry staff — from the two staffs, the Delta staff and the Ministry of Agriculture and Lands staff — prior to 30 days prior to the municipal election, I would not sign off on the by-law during that period of time. I thought it would be inappropriate to sign off at the tail end of a mandate. That was the direction and commitment I made. But presuming that the council was re-elected, which everyone was anticipating at that point, we would deal with it expeditiously, post-municipal election.

That said, staff have been working very closely with Delta staff, and I am somewhat disturbed that we've been unable to find a final resolution. As far as I know, there are just a few points yet that need to be accomplished. I know staff are trying to move that through in an expedient fashion.

I should highlight that there are two bylaws in play here. It is quite conceivable that one of the bylaws could be approved while we wait for the second one to come forward. I'll be awaiting final recommendations from staff on that issue, and I would be happy to engage the member as we move through that process. If you would like ongoing updates, I would be happy to do that as well.

G. Gentner: Thank you, minister.

Well, the election is well over. We're into the seeding time, and we're still waiting in Delta for some resolve. My understanding is that a lot of this rests on the home-plate debate and the need to find accommodation for seasonal farmworkers — many of whom may come from Mexico.

If that's the case, my question to the minister, therefore, is: why is Delta being held hostage to your implementation of seasonal farm work conditions, whereas the rest of the province is going to have to have those conditions met as well? Why has Delta been singled out on this issue while the rest of the province hasn't?

Hon. P. Bell: Actually, Delta is not being singled out as the only community under which this applies. There are three other communities: the township of Langley, the city of Abbotsford and the city of Kelowna. I'm sure if the member thinks about the agricultural potential in those four communities, it will be clear why they were focused on as a result of this. I might note that the city of Abbotsford was brought in through order-in-council in July of 1999, the township of Langley was in July of 1997, and the other two were in June and August of 2001. So there is an assortment of governments that made this decision.

N. Simons: I just remembered that I had a question about clam fisheries on the upper Sunshine Coast, in particular in the area of area C. My question relates to the traditional clam fishers — the forgotten fishery, as it's known. There was a dramatic increase in the number of licences provided to first nations, and there is no quarrel with that. The question had to do with the

compensation or the buying out of the existing clam fishery licence holders. Can the minister give comments on how the interests of local clam fishers were dealt with when that expansion took place?

[1140]

Hon. P. Bell: I don't know whether this is the last question, but it's odd that we'd be buffaloed on the last question, if it is the last question of ten hours of estimates. However, that said, I thought maybe we'd get it here in the last second. But we'd be happy to do the homework on that file and provide it to the member in the next short period of time.

Vote 12: ministry operations, \$84,868,000 — approved.

Vote 13: Agricultural Land Commission, \$2,108,000 — approved.

Vote 14: integrated land management bureau, \$58,984,000 — approved.

Hon. P. Bell: I move the committee rise, report resolutions and completion of the Ministry of Agriculture and Lands and ask leave to sit again.

Motion approved.

The Chair: The committee stands adjourned.

The committee rose at 11:42 a.m.

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