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THE HONOURABLE BILL BARISOFF, SPEAKER

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

SECOND SESSION, 38TH PARLIAMENT

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Proceedings in the Douglas Fir Room

WEDNESDAY, MAY 17, 2006

The House met at 2:03 p.m.

Prayers.

Statements

SULLIVAN MINE ACCIDENT

Hon. G. Campbell: I'm rising today to update the House on the tragic situation that has developed at the Sullivan minesite in Kimberley this morning. I know that all members of the House are thinking of the families that have been affected by this tragedy.

The details of precisely what happened are still being investigated, but what we do know from this morning is that a worker at the decommissioned Sullivan minesite called 911 to request help for another worker who had collapsed. Two paramedics from Kimberley responded only to find that both workers had collapsed, suffering from an apparent cardiac arrest. These two paramedics, doing their jobs and trying to aid the fallen workers, also collapsed. All four victims were subsequently rushed to hospital in Cranbrook. Tragically, all four have passed away today. The exact cause of their deaths has not been determined.

[1405]

This accident is a sobering reminder of the dangers that emergency workers face every day in B.C. as they risk their lives attempting to save others. I can tell the House that this afternoon the Minister of State for Mining and the Minister of Health are en route to Kimberley along with the member for Columbia River–Revelstoke. As it does with all mine accidents, the Ministry of Energy, Mines and Petroleum Resources will conduct a full investigation.

Today I know that all members of the House would want to have our thoughts and our prayers going to the families who have been so tragically impacted today. To wake up in the morning and think a day is about to start as a typical day, and then to find that out of the blue one of your loved ones is gone, creates a hole in your life which is difficult for any of us to really comprehend until we go through it.

I hope the House will join me in sending their prayers, their condolences and their support to the families and to the community of Kimberley, a small community in British Columbia, all of whom will have been deeply touched by this tragedy.

C. James: On behalf of the opposition, I would like to join with this House in expressing our deepest sympathies and condolences to the people of Kimberley following the tragic accident at the mine. Certainly, our thoughts and prayers are with the families, friends and co-workers of the two workers and two paramedics who died on the job today.

As legislators, a day like today is really a reminder of our duty to strive as hard as we can to make sure that the people of this province who go to work every day come home safely at the end of the day. I know a town like Kimberley will pull together to provide support to those families. They will do everything they can. I know we send along our wishes to all the people of Kimberley as they go through this very difficult time.

Introductions by Members

V. Roddick: Joining us for a second time in the House are three concerned constituents from Delta South: Bernadette Kudzin, parent advisory council chair for South Delta Secondary; Maureen Broadfoot, communications expert for TRAHVOL; and Cec Dunn, co-chairman for TRAVHOL, which is an acronym for Tsawwassen Residents Against Higher Voltage Overhead Lines. Will the House please make them welcome.

C. Puchmayr: It gives me pleasure today to introduce two people in the House, two people who have worked very hard on the very issues the Premier just spoke about — health and safety, and the safety of workers. They have been strong advocates for not only unionized British Columbians but non-unionized British Columbians as well. I want the House to make welcome Jim Sinclair from the B.C. Federation of Labour and Steve Hunt of the United Steelworkers of America.

J. Nuraney: We have in the gallery today my nephew Shafiq Dahya and a friend, Leigh Dawson. Both of them are students at Royal Roads University. I would like the House to please join me in welcoming both of them.

M. Karagianis: Today in the House we have four of my constituents. We have Gordon Stewart in the gallery, and his three beautiful daughters Charlotte, Lucille and Georgina. All three girls are involved in an organization that I am particularly fond of, the Girl Guides of Canada. Would the House please help me to make them very welcome here today.

Hon. J. van Dongen: Visiting us in the Legislature today are about 50 grade six, seven and eight students from Chief Dan George Middle School in my riding. This school has a motto: "Excellence is achieved together." They have 300 students in band and 600 students in French immersion.

The students are accompanied by their teachers Ms. Laura Stevens, Ms. Amanda Shaefer, Mr. Ray Goerke and Mr. Colin McTaggart, and a number of parents. I ask the House to please make them all welcome.

[1410]

D. Routley: I'd like the House to help me welcome two constituents, Ken James and Roger Wiles. They are members of the executive of the Youbou Timberless Society and are tireless in their advocacy for forestry issues and in the effort of educating the public on the important issues of forest land–based management. Please help me make them welcome.

L. Mayencourt: I would like to introduce two very good friends of mine that are visiting from Vancouver-Burrard. Josif and Gitte Bakalinsky are constituents of mine. Josif has been a friend for about five years and is a recent recipient of a brand-new kidney. Gitte is his wife, and she works at Riverview. Would the House please join me in welcoming Josif and Gitte.

S. Fraser: I have all of my constituents here today. I can name only a few, if you will help me welcome them after I name the few I can name: Mayor McRae from Port Alberni; Councillor Jack McLeman and regional district director Wayne Crowley; Wayne James and Keith Wyton from the Save Our Valley Alliance; labour council president John Young; Steelworker president Monte Mearns; and a whole bunch of friends. Welcome all. Please help me welcome them.

Hon. L. Reid: I would ask the House to please join me in welcoming to the gallery today Brenda Plant. Brenda is the executive director of the Turning Point Recovery Society, which does extraordinary work in the addictions field in British Columbia. I would ask the House to please make her welcome.

H. Bains: It is my pleasure to introduce to this House a number of steelworkers from Local 185, Port Alberni, led by their local director, Steve Hunt. They are here to lobby us on stopping log exports. Will the House please join me in welcoming them all here.

D. Routley: Would the House please help me welcome friend and constituent Laurie Jordan and his parents, visiting from the Maritimes, Herb and Hazel Jordan. They have taken the long route on a repositioning cruise through the Panama Canal to Seattle and, finally, to this Legislature to see how politics ought to be done.

Statements
(Standing Order 25B)

SCHOOLS IN RICHMOND AREA

J. Yap: When I was elected as the MLA for Richmond-Steveston, I made a commitment to visit every school in my constituency. I wanted to gain a firsthand appreciation of our schools. I also wanted to give teachers, students, education assistants, administrators and parents an opportunity to give direct feedback to their MLA.

With the help of Al Klassen, president of the Richmond Teachers Association, I have visited 12 secondary and elementary schools since my election. During my school visits, I witnessed the diversity of programs offered in school district 38. For example, at Hugh Boit Secondary, the first school I toured, I met with PE teachers who double as athletic coaches. Boit offers students a unique combined studies program.

Principal Alex Campbell showed me around McMass Secondary, where I saw the thriving French immersion program and the excellent work they do with the disabled and special needs students.

At Landon and Steveston secondary schools, I learned about the new coordinated campus, which will see the two schools combined into one facility offering students greater flexibility and the opportunity to take courses at either school.

Dickson, McKinney and Menoah-Steeves elementary schools are just three of the many schools in my riding that offer the Montessori program. Dickson also offers its students a French immersion program, which is become increasingly popular.

Grauer Elementary works hard to accommodate low-income families. Ferris Elementary boasts the largest number of students of all Richmond elementary schools, and they have three day care centres operating on site.

[1415]

I learned a great deal from my time in Richmond's classrooms. We have truly great schools in our community, with dedicated and caring teachers and support staff. Our students are receiving a great education. Visiting the schools in my community has been a great experience, and I would highly recommend that all MLAs take on this challenge and visit all schools in their constituencies if they have not already done so.

TRUDY RUMBUCHER

G. Robertson: It is my pleasure today to honour one of my constituents, Trudy Rumbucher, who is a true inspiration. Trudy is 67, a mother of two with six grandchildren. Last July she was diagnosed with cancer of the colon and liver, but this terminal illness has not slowed Trudy down. Even after four operations, chemo and an artificial colon, her motto is: "You don't just sit down and give up." On May 7, Trudy completed her third half-marathon in Vancouver, which she calls her miracle run because it was less than a year ago that she was diagnosed with cancer.

Trudy is advocating vigorously for urgent action on the prevention of colorectal cancer, for which a simple and cost-effective intervention is available. A standard policy of mandatory screening and immediate removal of all polyps upon discovery should be implemented immediately. This is now common practice in Europe. There needs to be the same approach to colorectal cancer as there is for breast and cervical cancers, a point supported by the Canadian Cancer Society. The bottom line: this will save many precious lives and save costly cancer treatments.

Trudy has also taken personal responsibility for her health. Last week she told me about how she changed her whole lifestyle to a good, healthy diet of fish; raw fruits and vegetables, especially dark leafy greens; and supplemented with herbs, vitamins and plenty of exercise. These measures have allowed Trudy to remain positive and active.

We can all learn something from Trudy. Congratulations to Trudy for her miracle run and kudos for all

her inspiring hard work on cancer prevention and living life to its fullest.

WORLD PARTNERSHIP WALK AND AGA KHAN FOUNDATION

J. Nuraney: The Aga Khan Foundation was created by His Highness the Aga Khan, the spiritual leader of the Ismaili Muslims, in 1967 with a view to improving living conditions and opportunities for the poor without regard to their faith, origin or gender.

The Aga Khan Development Network, an umbrella organization, looks after the Aga Khan Education Services, Aga Khan Fund for Economic Development, Aga Khan Health Services, Aga Khan Planning and Building Services, Aga Khan Trust for Culture, the Aga Khan University and the University of Central Asia.

These institutions seek sustainable solutions to the long-term problems of poverty, hunger, illiteracy and ill health, with special emphasis on the needs of rural communities. There are presently 130 projects in South and Central Asia, Sub-Saharan Africa and the Middle East.

One of the fundraising arms of this foundation is the World Partnership Walk, which takes place across the country. This year the partnership walk for British Columbia will take place in Vancouver at Lumbermen's Arch in Stanley Park, and in Victoria it will take place at Beacon Hill Park. The events will begin at 11 a.m. on Sunday, May 28. Our Premier will initiate the walk in Vancouver.

I take this opportunity to invite all members of the Legislature to participate in this very important event.

HEALTHY DEMOCRACY

D. Routley: I rise today to talk about healthy democracy. I rise today to speak on that very important subject on the one-year anniversary of this House and the election. Being a proud member of this House, I rise in a spirit of non-partisanship to celebrate the successes of this House.

[1420]

I think we can all be proud, as members, of having pushed several issues forward. The government can be proud of having listened to the constituents and pushed forward on labour relations and in other matters. The opposition can be proud that we have affected government policy in a positive way. We have successfully advocated for our constituents with a louder voice perhaps — well, maybe not louder voices, but certainly more numerous. With more numerous voices, pressure has been brought to this House, which has resulted in very positive resolution of conflicts in our communities, and we should all be proud of that. We should all be proud of the fact that we've brought our individual constituents' issues to the House and advocated for them on both sides of this House.

A healthy democracy comes from an engaged community. Yesterday we witnessed outside a very engaged demonstration on the issue of child care and early childhood education. Out of that sort of activism comes the kind of voice that legislators will never ignore. Today we saw a demonstration protesting the export of raw logs — again, voices that any legislator would ignore only at their own peril.

Healthy democracy, again, relies on that community engagement. But more than that, it relies on us as legislators to listen and to hear those voices. When the communities are engaged and when democracy is healthy, responsible leaders follow.

BELL WALK FOR KIDS HELP PHONE

R. Cantelon: On May 7 of this year I took part, along with the member opposite from Nanaimo, in the fifth annual Bell Walk for Kids Help Phone event. The help phone line is a vital service to our young people aged five to 20 in crisis. The crisis may be bullying or relationships. It could be abuse, self-image or depression. Intervention and support at these pivotal times can change a life, maybe save a life.

The Kids Help Phone counsellors answer calls and questions every day from kids across Canada who need support, information, or even referral to a local community or support agency. Thousands of children rely on this great service to help them in time of need. The help phone provides young people with immediate help and hope that they need 24 hours a day, 365 days a year, toll-free and in both official languages.

In Nanaimo alone, the walk raised $14,000 — a $4,000 increase over last year. In B.C. we raised $144,000 thanks to the hard work of volunteers in Nanaimo, Vancouver, Victoria — where the walk began — White Rock and Kelowna. Nationally, the event was a big success. Some 20,000 people, approximately 45 communities, raised a grand total of $2.7 million — an increase of $600,000. All of the proceeds from this great event go to the Kids Help Phone.

I'd like to thank the sponsors, Kathy Power and Jason Lambrick of Bell Canada in Nanaimo, Donna Vidal of the Country Club Centre in Nanaimo and Nora Loftus, who chaired and enthusiastically led what seemed like an army of volunteers that made this great event in Nanaimo a tremendous success. Their support will make a difference in thousands of our young people's lives across the country.

MOUNT SAINT JOSEPH HOSPITAL AND CHINESE COMMUNITY

D. Chudnovsky: Mount Saint Joseph Hospital on Vancouver's east side is a remarkable community facility. Established decades ago by Catholic nuns and members of the city's Chinese community, Mount Saint Joe's soon became known as Vancouver's Chinese hospital.

Today about 50 percent of the patients are still from the Chinese community. Translation services are readily available for Mandarin and Cantonese speakers and for those who speak many other languages. Culturally appropriate programs that take into account the tradi-

tions and needs of Asian patients are also available. The Chinese community has provided countless volunteers and millions of dollars in donations to this hospital's charitable foundation.

Members of this House know that the emergency department at Mount Saint Joe's was recently threatened with a 23-percent cutback of physician services. We learned this week that the cut, which was to take effect on June 1, has been put off for at least seven months. This is great news for our community.

[1425]

I want to congratulate the courageous doctors who spoke out in support of their patients. I want to thank the thousands of members of the community who signed petitions and stood up for Mount Saint Joseph's. I want to pay tribute to the Chinese community organizations which joined the campaign to protect vital health services: the Chinese Benevolent Association of Canada, the Chinese Benevolent Association, the Cheng Wing Yeong Tong, the Shon Yee Benevolent Association of Canada, the Chinese Freemasons of Canada national headquarters, the Gee How Oak Tin Association of Vancouver and the Taiwanese Canadian Cultural Society.

If it's necessary, I'm sure all of these individuals and groups will be there again in seven months to protect their hospital and its services. For now, I know all members of this House will want to join me in wishing the staff and patients of Mount Saint Joseph Hospital many more decades of good health, success and service to our community.

Oral Questions

SOFTWOOD LUMBER AGREEMENT AND FOREST POLICY IN B.C.

B. Simpson: Yesterday the Minister of Forests finally admitted that yes, Washington will have veto power over forest policy changes in this province. However, he stated that British Columbians shouldn't worry about that because: "We're done. We've done our forest policy changes for the next seven years. We're not going to need to adjust them. So frankly, there's nothing there to worry about."

If we're done, as the minister suggests — if we have no more forest policy to develop or change — then there really isn't any need for a Minister of Forests.

Interjections.

Mr. Speaker: Members.

B. Simpson: And as the hon. members on the other side state, maybe the Leader of the Opposition needs to use my resources differently as well.

However, given that the minister has indicated that he is done, when will he be officially stepping down from his role?

Hon. R. Coleman: I hesitate to say that that question was music to my ears.

I didn't say they had a veto power; you said they had a veto power. I said we had an anti-circumvention clause that would be in the agreement going forward so that the two countries would work within the agreement. Working within the agreement, there's always an evolution in policy. It just means you cooperate on that. Just for the member's own information, there was an anti-circumvention clause in the last softwood agreement as well.

Mr. Speaker: Member for Cariboo North has a supplemental.

B. Simpson: The minister indicated yesterday that yes, he would have to go to Washington and that Washington does have the right to approve our forest policy. His response to it was a deflection. He said we shouldn't worry about it as British Columbians, because we have no more forest policy to do.

Well, there's a group of people here from Port Alberni, who have a meeting with this minister. That group is here today to get forest policy changes. There are many other communities and workers who want forest policy changes.

My question to the minister is: if we're done — if under the terms of this deal we will have seven years of no forest policy changes — should these good people from Port Alberni simply go home and come back in seven years?

Interjections.

Mr. Speaker: Members.

Hon. R. Coleman: First of all, they're our trees, it's our forest, and we make our forest policy in British Columbia. When you take a portion of an interview out of context, or a portion of a context of an interview, you run the risk of actually not getting the entire context of that particular interview.

What I was talking about was that since the last NAFTA stuff came along, we've made a number of changes in forest policy in British Columbia — the member is well aware — with regard to how we do market-pricing systems to deal with the circumstances in and around the issues around softwood and our relationship on trade going forward. That had to be dealt with, because there were certain issues with regards to how B.C.'s forests were pricing their fibre in an international marketplace relative to competition.

[1430]

Having said that, that was a huge body of work on policy that was done over a period of time by the previous minister and this government. I, as the minister going forward, know that policy is complete. I also know that policy within a resource-based industry is always fluid, and there will always be other things we need to do in the future.

Mr. Speaker: Member for Cariboo North has a further supplemental.

B. Simpson: It's nice to know that I am firmly planted in Cariboo North as well.

With respect to the minister's comments about the interview yesterday, he was explicit. His words were: "We're done with forest policy changes for the next seven years." It's very difficult to misinterpret that statement. The softwood lumber agreement also does not differentiate between market policies and other forest policies. One could argue that every forest policy impacts our position in the marketplace and our price across the border.

This minister admitted that we've still got coastal forest policy to review. We still have a value-added strategy that has policy implications. He enumerated a lot of strategies that require forest policy changes.

My question to this minister is…. His understanding of the softwood agreement and the fact that we need the mutual consent of Washington to make forest policy changes…. Why is he so cavalier in dismissing the concerns about our sovereignty at a time when we still have lots of work to do with respect to forest policy in this province?

Hon. R. Coleman: I'm not cavalier at all. We're not giving up our sovereignty on forest policy in the province of British Columbia.

But just for the member's information, on the historical side of this file, British Columbia and the United States — through different departments of commerce — have always discussed and presented different changes that would be made in forest policy on both sides of the border. That's been going on for years. The reason it goes on is because people within an agreement want to make sure somebody is not trying to circumvent an agreement to do something that will be outside the agreement.

It's incredible to me that somebody says, when you make a deal, and the terms are this…. This is how I think the member from the opposite side of the House.… He's already thinking about how he can break a deal. The reality is that within our forest policy we can operate, but we're not going to circumvent the fiscal and financial arrangements of a softwood lumber deal. That's what it is. It's an agreement between two countries, and we will live up to the terms of the deal.

GOVERNMENT RESPONSE TO FORESTRY CONCERNS IN PORT ALBERNI

S. Fraser: The minister just said that this government makes its own forest policies in B.C. That is the problem. The minister has discounted the concerns of Port Alberni as a private land issue. The only reason the concerns of Port Alberni are a private land issue is because this government removed 70,000 hectares from TFL 44 with no consultation. Because of this government's decisions, companies are increasing their cut by millions of cubic metres, and Port Alberni will see 15,000 more logging trucks leaving our valley. Up to 80 percent of that wood is going to go across the line.

The government caused this problem. My question to the minister: how can the Minister of Forests and Range sit back and allow a flood of log exports to ruin coastal forest communities like Port Alberni?

[1435]

Hon. R. Coleman: I don't like to see the export of any logs. I believe if we could keep them here and manufacture them, it would be great.

I know we've had this discussion with the member before. The member is aware that private land in Canada…. The export of logs off private land is a federal jurisdiction. We know that. We are the only jurisdiction in Canada that still has Notice 102 applied to our private lands, and we're the only jurisdiction in Canada that has a surplus test on the export of logs.

Having said that, the concern in the Alberni Valley we're going to be talking about shortly, actually. I'm looking for solutions, hon. member. The member has been invited to the meeting with members of his council and members of the B.C. Federation of Labour and the coalition in the valley. I'd like to find a solution to this problem.

I don't know that it's going to be that quick that we'll find it. Even if we look back in history provincially, in 1999 in this province 417,000 cubic metres of logs were exported in addition to provincial log exports without discussion with communities by the job protection commissioner. In 2000 there were 321,000 cubic metres of fibre, and in 2001, 284,000 cubic metres of fibre.

Interjections.

Mr. Speaker: Members.

The member has a supplemental.

S. Fraser: I do, hon. Speaker.

Federal issue — private lands. It's interesting that the minister won't accept responsibility for the crisis of these communities, because the forest companies sure know who to thank.

When this government removed lands, they did so without compensation to Port Alberni — compensation that could have been used to build a small mill or provide jobs or job security. A brief to the Minister of Forests at the time presumed that there would be compensation paid to Port Alberni, the people of Port Alberni and the people of B.C. Yet even though these lands were removed from TFL 44 against the advice of your own staff, there was no compensation paid to this community.

To the Minister of Forests and Range: why wasn't the town of Port Alberni, the citizens of Port Alberni, compensated for pulling that land out of TFL 44?

Hon. R. Coleman: I'm not going to sort of inflame this discussion in this environment, because I really do think — I hope — there's an opportunity for some constructive discussion that will take place this afternoon with regards to a number of these issues.

I do think, though, we have to remember that log exports in British Columbia have been around for a while. There have been peaks and valleys, under different governments, over a number of years.

I also think there is a contrary to positions here. On November 26, 2003, the Leader of the Opposition said this: "I think we need to take a look at banning raw log exports." On March 30, 2005, on *Voice of B.C.*, the member said: "There are times that you want to look at some raw log exports. That's why I'm saying that we need to reduce. It isn't possible to look at a complete ban, but we do need to look at a reduction in that area."

I agree with that sentiment, and I hope the member opposite does. The question is: can we find the investment and the manufacturing for the type of fibre that's coming out of the Alberni Valley today to be milled? In the conversation with mills in the valley today, some of them are actually not milling this type of fibre.

That's the type of discussion I really want to have with the people from Port Alberni today, so we can get an understanding of this and, frankly, look at what those long-term solutions are. Maybe for once we can all come together to try and find a solution.

C. Evans: Sometimes when the Minister of Forests is answering questions, I wish I was a blowfish so I could get bigger and be as big as he is.

Mr. Speaker: Member.

C. Evans: He doesn't want to inflame the situation, but I think that maybe it's my job. All the minister seems to have done so far is to obfuscate the situation. Talk about policy — federal government, private land, all the…. He says he doesn't support log exports, and he cites 417,000 cubic metres — 1999. Oh, that's a terrible time. There were 321,000 cubic metres, which was terrible, in the year 2000.

Interjections.

Mr. Speaker: Members.

C. Evans: Maybe the minister will inflame the situation by telling us what it is right now, so that people here have something to compare it to.

[1440]

Hon. R. Coleman: That was just the portion that the job protection commissioner gave out at 100-percent exports, without consultation with anybody.

In the years that I was recording, 2.477 million cubic metres went out, 2.482 million cubic metres went out, and 2.938 million cubic metres went out. It has been as high over the last 15 as 3.5 million to 4 million cubic metres and as low as 1.5 million. That's the reality, but it has been going on for some time now.

The reality, hon. member, is this. What we need to do is find a solution. Frankly, the solution is going to be a combination, with the conversation I had earlier today with the federal Minister of Natural Resources, because part of this is that there is going to be a solution we may have to come up against with regards to a lawsuit with regards to notice Notice 102 on private lands.

There are a number of issues at play here — as well as the competitiveness of the coast, our ability to have a marketplace for those guys to go to…. That's why, hon. member, rather than in this softwood agreement doing something that disproportionately hurt the coast, we've actually given them the opportunity to be their own marketplace for the first time in Canadian history, so they can actually build a marketplace for their future.

Mr. Speaker: Member for Nelson-Creston has a supplemental.

C. Evans: You know, hon. Speaker, I really have only ever had two trades in my life. This is one of them, if you can call it a trade. The other one is logging. I logged under Social Credit, Ray Williston and those folks, and I logged under New Democrats — Bob Williams. I even logged under a member opposite once upon a time, I think, when he was minister.

All those left-wing, right-wing…. It didn't matter. They all had to have a few log exports — a couple million cubic metres a year — in order, public policy would say, to have a window on the market value of our own stumpage in the world. So left or right, we always had public policy that there would be some logs exported.

But today, because of this deal that happened in Port Alberni and the fact that the government has chosen not to ramp down elsewhere, we're now at 4.7 million cubic metres. That's 175,000 logging trucks a year. Imagine that.

What we are facing here is the very first government to abandon the Social Credit principle that the wood was here for the value of community, so people could live in place.

My question for the minister is: do you intend…?

No, my question through the Speaker to the minister representing the government, hon. Speaker: is his government going to be the first government that ever worked here which abandoned the principle of the resources being for the people? And if so, will he stand up and say it, instead of doing it by stealth day by day invisibly?

Interjection.

Mr. Speaker: Member.

Hon. R. Coleman: Thank you to the member for his question.

Through to the member: this is not a challenge that hasn't been faced by Forests Ministers for generations — number one.

Secondly, starting in January of this year, we made a number of changes with regards to how we deal with pulp logs and pricing of logs on the coast and fibre to try and encourage fibre to come out of the forest to our mills at a price that they could afford. We made those

changes, because the industry has to submit those changes, hon. member.

The reason we did that is because we believe there's a long-term strategy that needs to be put in place for the coast of British Columbia, which is struggling. There is no question. Anybody that doesn't believe that is kidding themselves.

The reality, though, is that we started the incremental changes. We will move to the next level of the plan, and that will be working with communities on their future. We have to attract investment — in deference to even the comment from one of your own members, the member for Maple Ridge–Pitt Meadows, who said yesterday that American investment in Canada is $64 billion greater than Canadian investment in the United States. This is not good for British Columbia.

Interjection.

Mr. Speaker: Member. Member.

Hon. R. Coleman: Hon. member, we need to attract investment for modern mills on our coast, and we're going to do that by building an environment for that to succeed.

[1445]

APPOINTMENT OF CARMEN PURDY TO AGRICULTURAL LAND COMMISSION

B. Ralston: This government has taken to appointing Liberal friends and insiders to the Agricultural Land Commission. But this partisan policy isn't limited to the appointments of John Tomlinson and Bill Jones. For months now concerned stakeholders have been trying to get this government to address their concerns about Liberal Party supporter Carmen Purdy, who sits on the Kootenay panel of the Agricultural Land Commission.

Mr. Purdy allegedly negotiated with a developer on behalf of an organization that Mr. Purdy is strongly identified with. In a decision of the Agricultural Land Commission made by the Kootenay panel that Mr. Purdy sat on, that same developer, Mark Himmelspach, had land removed from the ALR.

Will the Minister of Agriculture and Lands explain why he ignored the requests of local agricultural groups and renewed the appointment of Carmen Purdy?

Hon. P. Bell: I think I just heard an accusation about a wrongdoing within the Agricultural Land Commission. If the member actually believes that, I would strongly suggest he makes that accusation outside these doors.

Interjections.

Mr. Speaker: Members.

The member for Surrey-Whalley has a supplemental.

B. Ralston: The minister himself said that the body has to be seen clearly in the public eye to be an impartial body. Local agricultural groups have pressed this minister to investigate this allegation. He has refused to do so, and his only response was simply to appoint Carmen Purdy again to that panel.

My question is to the minister. Will he remove Carmen Purdy from the panel while these allegations are investigated?

Hon. P. Bell: Again, I would encourage the member, after question period is over, if he wishes to make an allegation against Mr. Purdy, to make that outside this room.

I have a number of names here I would like to read into the record: Christine Hunt, Ruth Veiner, Gus Horn, James Ingram, Patricia Halliday. What do those five people have in common? They were all members of the Agricultural Land Commission in the year 2000, out of a total of ten members. What else did they have in common? They were all NDP party members and all party donators.

Interjections.

Mr. Speaker: Members.

HIGHWAY INTERCHANGE PROJECT IN DELTA

G. Gentner: Mr. Speaker, 37,000 vehicle movements a day move along 72nd Avenue in Delta and Surrey. For years the government has been negotiating an agreement with Delta for a new interchange at Highway 91 and 72nd Avenue, but during estimates last week the Minister of Transportation placed a new wrinkle on the project. Apparently, the interchange hinges on development of the privately owned lands of Burns Bog.

How is it that the money needed to do this from the government's own border infrastructure program is now contingent upon the developer needs and friends of this government and not the needs of moving goods and people going to and from work every day?

Hon. K. Falcon: Thank you to the member for the question. The member should note that what I said in estimates was that the developer and the city need to work together to come to a common solution to make it easier for us as a province to actually make a decision to go forward. If there are lands required from the developer in order to make this intersection work, which I understand would be a requirement there, then it would be helpful if Delta could come up with a common position in working in cooperation with the landowner so that the province could go ahead and make this happen. That was the issue.

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

G. Gentner: Well, to the minister: the mayor of Delta knows nothing of this deal between the devel-

oper and the province. Last week this is what the minister said: "We'd like get on with it. But you've got a developer and you've got a city that are having difficulty coming to agreement…." Now, again, the mayor knows nothing of this.

[1450]

The minister went on to say: "If Delta can negotiate something with the developer, come to some kind of agreement that would allow them to come to the ministry and say, 'We've already agreed….'" He went on to say: "I think we can get to an agreement very quickly if that was able to happen."

Why is it that the mayor of Delta, her chief administrative officer and staff know nothing of this discussion between the province and the developer?

Hon. K. Falcon: I can't comment on what the mayor of Delta or her staff know or don't know about a situation. I assume that they're in regular contact. All I can tell you is what I understood to be the situation from my staff. I'd be happy to look into it further for the member.

One thing I can tell you, member, is that whenever we as a province are looking to make decisions regarding infrastructure, it's much easier to work when you have a situation of cooperation between landowners and cities and the province. Really, it's as simple as that.

My understanding as the minister — and I don't pretend I have everything perfectly — is that there is some challenge between lands that we require that are owned by a private developer. The developers generally don't just give you land for nothing. My understanding is that the developer has plans for the land that they own — I have no idea what the plans are, but they have plans — and that they have yet to come to an agreement with the city of Delta.

If that's not the case, I'm happy to hear from the administrator or from the mayor directly to find out what the situation is. But that is the situation as I understand it. All I'm saying is that I would love to be able to help move things along if there's some way we could, but it would be extraordinarily helpful if the developer and the city could come to an agreement.

STAFF CONCERNS AT EMPLOYMENT AND INCOME ASSISTANCE MINISTRY

C. Trevena: Internal staff feedback on a new service code for the Ministry of Employment and Income Assistance shows that staff are deeply troubled by the devastating effect of cuts to their service.

Let me provide a quick feedback for the Minister of Employment and Income Assistance in case he hasn't had time to read these responses. "Over the last four years our government policies have made it more and more difficult to actually help people. We are pushing people around." "The way we were required to treat people who were already in so much pain and need was shameful." "We were actually told that employment plan targets were to be prioritized ahead of medical needs."

The ministry's own staff say that people who are in genuine and desperate need are being turned away. I would like to ask the Minister of Employment and Income Assistance whether he's actually taken the time to read these comments from his own staff and what he is going to do to correct the serious problems they have identified.

Hon. C. Richmond: I don't know which staff the member is talking to, because the staff that we've talked to are just absolutely thrilled with our new service delivery, which we have just introduced ministry-wide.

Our caseload has changed dramatically over the last few years as we have put 46,000 people back to work from the income…. These are people who were expected to work, and with a little bit of help from our employment programs, we have managed to get them back into the workforce. Conversely, those with disabilities — the number has gone up dramatically, which refutes the statement that it's difficult to get onto income assistance.

Mr. Speaker: Member for North Island has a supplemental.

C. Trevena: I take it that the minister hasn't read the information that his own staff have provided on an internal website, because he would clearly see they were not thrilled at the way that the service is being delivered or what they're expected to be doing. Nor are they thrilled with the cuts that are being made to the service.

[1455]

In February I asked the minister if staff in his ministry were being given free lunches for cutting the caseloads. At that point the minister replied that my question was absolutely absurd and the idea was preposterous. There was much derision from the other side of the House.

One month earlier, in January, a front-line worker said, as quoted in the review: "I find it distressing that offices in our region are rewarded for caseload reduction with a free lunch or Tim Hortons gift certificates while people we are here to serve live on the streets and go hungry. There is something very, very wrong with this picture."

I think there is something very, very wrong with this picture, so I'd like to ask the Minister of Employment and Income Assistance whether he thinks it is appropriate to reward staff for denying people benefit.

Hon. C. Richmond: I said back when the question was first asked that it was preposterous, and I will say it again. I guess I would ask the member: who writes your stuff? You know, they're not doing their job.

Interjections.

Mr. Speaker: Members. Members.

Hon. C. Richmond: They're not doing their job.

The rewards she's talking about are lunches that were provided for many, many years through the public service for a job well done by staff.

[End of question period.]

S. Fraser: I seek leave to submit a petition.

Mr. Speaker: Proceed.

Petitions

S. Fraser: This is a petition from the Save Our Valley Alliance. There are about 800 signatures of people very, very concerned about raw log exports.

Reports from Committees

J. Rustad: I have the honour to present the report of the Special Committee to Appoint a Merit Commissioner.

I move the report be taken as read and received.

Motion approved.

J. Rustad: I ask leave of the House to suspend the rules to permit the moving of a motion to adopt the report.

Leave granted.

J. Rustad: I move that the report be adopted.

This report constitutes the committee's unanimous recommendation for the appointment of the first independent Merit Commissioner of British Columbia. As members will know, the Public Service Act was amended last November to separate the role of the Merit Commissioner from that of a deputy minister of the Public Service Agency.

At that time the position of the Merit Commissioner was also established as an independent statutory officer of the Legislature. Therefore, although there had been three individuals serving as Merit Commissioner in the past, this is the first to be appointed in the new capacity as a statutory officer.

The Merit Commissioner is responsible for monitoring the application of the merit principle to the public service appointments through random audits and through reviews of specific appointment decisions as the third and final step in bargaining unit staffing review processes.

As the overseer of the merit principle in B.C.'s public service, the committee believes it's important not only that the Merit Commissioner have the knowledge, skills and ability to carry out the responsibilities of the position but also that the Merit Commissioner personify that principle.

After assessing 102 applications from well-qualified individuals from across British Columbia and Canada, we found a person who does that justice. The committee is very pleased to recommend Ms. Joy Illington to the House.

Motion approved.

Motions without Notice

APPOINTMENT OF MERIT COMMISSIONER

J. Rustad: I ask leave of the House to permit the moving of a motion requesting the Lieutenant-Governor to appoint Ms. Joy Illington Merit Commissioner of the province of British Columbia.

Leave granted.

J. Rustad: I recommend that this House recommend to Her Honour the Lieutenant-Governor the appointment of Ms. Joy Illington as a statutory officer of the Legislature to exercise the powers and duties assigned to the Merit Commissioner for the province of British Columbia pursuant to the Public Service Act, *RSBC* 1996, c. 385.

[1500]

Motion approved.

J. Rustad: I seek leave to make an introduction.

Leave granted.

Introductions by Members

J. Rustad: On behalf of the Special Committee to Appoint a Merit Commissioner, I would like to introduce Joy Illington, Merit Commissioner of British Columbia, to the Members of the Legislative Assembly.

Ms. Illington has served British Columbia in many capacities during her 18-year career, including investigative officer of the Ombudsman, Assistant Deputy Minister of the Ministry of Aboriginal Affairs, deputy cabinet secretary serving under four provincial administrations, chair of the Medical Services Commission, and Associate Deputy Minister in the Ministry of Aboriginal Relations and Reconciliation.

Her dedication and excellence has been recognized by her peers in the public service as well as those of us here who have had the pleasure of working with her in previous roles. The committee is confident that Ms. Illington will bring those same qualities to the Office of the Merit Commissioner.

Orders of the Day

Hon. M. de Jong: Mr. Speaker, in this chamber, I call second reading debate on Bill 34. In Committee A, Committee of Supply, for the information of members, we'll be discussing the estimates of the Ministry of Labour and Citizens' Services.

Second Reading of Bills

REPRESENTATIVE FOR CHILDREN AND YOUTH ACT

Hon. W. Oppal: I move that the bill now be read a second time.

The Representative for Children and Youth Act will establish the Legislative Assembly's authority to appoint a new officer of the Legislature, a Representative for Children and Youth, and will set out the role, powers and obligations of the representative.

This bill is, in part, the government's response to the *B.C. Children and Youth Review*, an independent review of B.C.'s child protection system submitted by the Hon. Ted Hughes on April 7, 2006.

[S. Hammell in the chair.]

The Minister of Children and Family Development appointed Mr. Hughes to do an independent review of a portion of the child protection system in British Columbia and to make recommendations for improvement in a report to the minister and to the public. The Hughes review also covered related matters, including the roles of the child and youth officer and the chief coroner and public reporting of child death reviews.

Mr. Hughes noted that the experiences of previous offices, such as the child, family and youth advocate, the Children's Commission, and the Office for Children and Youth. He recommended a new Representative for Children and Youth, who would build on the strengths of these predecessors and on the lessons learned from their experience. This bill accomplishes that.

This bill outlines the representative's role and functions in three critical areas: advocacy, monitoring of service delivery, and review and investigation of critical injuries and deaths in specified circumstances. The representative's functions resemble those of the current child and youth officer in the areas of monitoring service delivery and of providing information and advice to children and families about services.

The representative will review and investigate individual child injuries and deaths, as did the Children's Commission, but the scope of this function has been modified to match the recommendations of Mr. Hughes.

[1505]

The representative will also have the authority to advocate on behalf of children and their families. The bill also contains provisions of various types of reporting that will reflect the representative's mandate and roles to keep government and the public apprised of important child welfare matters.

Madam Speaker, this bill is the enabling legislation for a new representative for children and youth. While the bill is not a complete response to the Hughes review, it fulfils one of Mr. Hughes's primary recommendations and allows us to begin the organizational changes and planning required for the other recommendations.

The first recommendation in the Hughes review is the appointment of a representative for children and youth as an officer of the Legislature, based on the unanimous recommendation of a special committee of the Legislative Assembly. Mr. Hughes suggests a five-year term of appointment, renewable to a maximum of ten years. The status of the officer of the Legislature and the fixed-term appointment for a minimum of five years are critical for us to build public confidence in the representative's independence. It is also consistent with the terms of other independent officers.

Mr. Hughes's second recommendation is that the Legislature strike a standing committee on children and youth and that the representative and the deputy representatives report to this all-party committee at least annually. The representative will report annually to the select standing committee on children and youth in service plans, annual reports and special reports from time to time, as outlined in the bill. The bill enables the representative to appoint deputy representatives.

Everyone here today will agree that our children's welfare is of paramount importance. This all-party committee will give us the opportunity to put aside our differences, as suggested by Mr. Hughes, and work in cooperation in the interests of B.C.'s children. These recommendations of Mr. Hughes and the bill contemplate that we set aside our political differences and work for the common good. This is an opportunity to demonstrate to British Columbians our united commitment to the protection of our youngest and most vulnerable citizens.

The representative's role covers three areas, as recommended in the Hughes review: (1) the advocacy role — to support, assist, inform and advise children and their families concerning designated services; (2) the monitoring role — to increase accountability by monitoring, reviewing and auditing the ministries and other public bodies responsible for designated services; and (3) the review and investigation role — to review, investigate and report on children's critical injuries or deaths in circumstances as outlined in the bill.

Critical injuries are injuries that may cause serious or long-term impairment to a child's health or result in a child's death. The bill enables a representative to conduct a review of children's injuries and deaths for the purpose of identifying trends and improving reviewable services or addressing broader public policy initiatives. The representative will be able to investigate a child's critical injury or death if it took place within one year of the child receiving services and if the incident was due to any of the following: abuse or neglect, an accident in unusual or suspicious circumstances, or injuries that were self-inflicted or inflicted by another person.

[1510]

The children's standing committee may also ask the representative to investigate the critical injury or death of any child. The representative will report back to the children's standing committee on any case the committee has referred. Overall, the bill defines the representative's role, function and duties with respect to designated services.

Designated services include the following services and programs provided or funded by government for children and families: services or programs under the Child Care BC Act, the Child Care Subsidy Act, the Child, Family and Community Service Act, the Community Living Authority Act, the Youth Justice Act; early childhood development and care reviews; mental

health services for children; addiction services for children; services for youth and young adults during their transition to adulthood; and additional services or programs prescribed by regulation.

The representative's mandate to investigate individual critical injuries and deaths focuses on children in receipt of reviewable services. Reviewable services are services directed at addressing the needs of our most vulnerable children. They include the following services from the list of designated services: services or programs under the Child, Family and Community Service Act and the Youth Justice Act; mental health services for children and additional designated services prescribed in regulation.

The provisions described respond directly to Hughes's recommendations. They respond to recommendation three, which outlines the need to support people who are navigating the child welfare system and to help them become effective self-advocates.

They respond to recommendation four, which specifies that the representative's mandate should include monitoring, reviewing, auditing and investigating performance and accountability within the child welfare system.

They respond to recommendation five, which states that the representative should carry out the reviews of aggregate information on children's critical injuries or deaths.

The bill's provisions concerning investigations of child injuries and deaths respond to recommendations five, six and seven.

As the Hughes review points out, one of the ways to ensure that the investigations undertaken by the representative produce meaningful recommendations to the responsible ministry or public entity is to focus on limited circumstances where services, policies or practices contributed to the injury or death. That's what this bill does. It provides a specific role for the representative distinguished from the coroner's role.

To enable the representative to carry out review and investigation responsibilities, the bill requires ministries and other entities to give the representative information about the critical injury or death of any child receiving designated services within the previous year. The representative also has a right to any information held by any public body or bodies that is necessary to carry out the office's roles, functions and duties as Mr. Hughes advocated in recommendation 54.

As emphasized in Mr. Hughes's review, this bill gives the representative the power to recommend — rather than order — change. The reporting requirements outlined in the bill in the form of annual and special reports give the representative a mechanism to inform the children's standing committee, the Legislature and the public of the recommendations made to the ministries or to other public bodies and their compliance with prior recommendations.

This bill is a testament to this government's commitment to make changes that serve the interests of British Columbia's children.

[1515]

S. Hawkins: I seek leave to make an introduction.

Leave granted.

Introductions by Members

S. Hawkins: Visiting the precincts and in the Legislature today are 40 grade seven students from Kelowna Christian School in the Kelowna-Mission riding. With them are Mr. MacArthur and Ms. Hendren and, I understand, some adults that are also visiting with the students. I would ask everyone to give them a warm welcome. They're here to see how the Legislature operates.

Debate Continued

A. Dix: It's very good and a very positive thing that we have young people from Kelowna here today, because this is — in this session of the Legislature and since I've been elected — one of the most important debates and most important pieces of legislation that I have dealt with or that we will deal with.

Today that is, of course — for those in the galleries and for people watching — the decision that this Legislature will take to create a new office called the representative for children and youth. I think it's one of the most important things we've done, and it's been part of one of the most important debates we have, or can have, as a society.

That is how we deal, how we support, how we help, how we ensure that everybody in our society…. Not just some. Not just those who have the good fortune — as I have, as many members of this House have had — to have two parents who love them, to have support through their lives, to continue to have support even after we become adults, to live in family arrangements that support us and to have access to public education and public health care that help us….

For children in our society who do not always have access to those things, this is the most important thing we can do as a province, as a society, as a government.

It's something we always have to do together. So when people say that we should take the politics out of this, they're only partly right. We have to put the politics in this in the sense that all of us have to care more, do more, support more, help more, because equality of opportunity in our society is fundamental to a democratic society.

Regardless of your views on great issues of the economy and of state, the issues we deal with when we talk about children in care or children who need the support of the Ministry of Children and Family Development or children who receive support indirectly from other ministries such as the Ministry of Employment and Income Assistance — who get income assistance support…. The work that we do is fundamental. It is important.

It is in fact, I think, a debate where we need politics — politics in the best sense — we as representatives bringing these issues, shining light on these issues,

never allowing these issues to disappear from the public debate and, of course, treating the issues with respect, treating people with respect and treating children with respect — all of those things.

But if we don't think these issues matter, if we don't put everything we have into solving this issue, if we don't…. When people say to us, or say to my friend the Minister of Children and Family Development: "Isn't it too bad you got this assignment…?" If we don't say: "No. This is the assignment you want. This is the job you want. This is why we were elected here…."

That is what this debate is about. That is why I am so honoured to be the opposition spokesperson for Children and Family Development. In this debate — which, as I say, I think is an extraordinarily important debate — I think of a lot of people who work on these issues every day and who have struggled through what most observers regard as a fairly dark period in the way in which we've dealt with issues of children and youth in British Columbia. I think of social workers who have faced expanding real workloads and who have raised these issues, sometimes at risk of their jobs.

[1520]

I think of them working every day, not just 35 or 37 or 40 hours. We're talking about committed government employees who virtually any time of the day or night, week or weekend, are prepared to go and help people in our society, not just because they're paid to do so but because they've devoted their lives to the support of children and youth.

I think of youth workers, who do the same for a group of youth who have been particularly neglected in recent years — youth 13 to 17. This goes beyond politics again. It is unacceptable to me, and it should be unacceptable to everybody in this House, that there are youth in this province today — youth in care and youth who receive supports from the ministry — who are living in the most substandard and abject poverty. I admire youth workers who have brought these issues to the attention of the public and who every day try and make life better and improve life and provide the kind of supports and services that youth need. They've brought those issues to the debate in British Columbia in the face, I must say, of some risk to their employment.

Foster parents. Imagine the work of foster parents which, as the minister knows and as all members of this House know, has not gotten easier in recent times. Indeed, the challenges that foster parents face…. Often the circumstances of young people and of children who come into care are increasingly problematic. Foster parents have faced what can fairly be called significant cuts in recent years to the services they receive, given the extraordinary services they provide. They have spoken out. They have brought issues to the attention of people.

I think of extended families, of people who work on these issues, of people who work for service organizations. I think of people who have led this debate. All I can say is that if anyone, any MLA, thinks that being on the new Standing Committee on Children isn't the most important thing they could possibly do, they should spend a few days, a few minutes meeting the people who work in this area. The work they've done, the courage they've shown, the efforts they've made to shine a light on these issues….

It's not about politics. They need more support from us. They need more politics from us on this issue, but the best kind of politics — politics designed to improve and uplift the lives of children and youth in this province.

Hon. Speaker, I should mention at this time to you and to the Clerks that I am the designated speaker on this bill. As you know, the official opposition supports Bill 34. We will vote for it at second reading. We have some ideas for committee stage that we'll put forward.

We support it, first of all, because it closely parallels the legislation that we introduced as private member's legislation last fall. It brings together many of the powers of the old Children's Commission and the child advocate positions, which were created in the 1990s with the support of all members of this House, of both sides of this House. We believed at the time that there was a need.

In the system there is a fundamental need, when you're talking about the Ministry of Children and Family Development — just as there is with other institutions that have significant power in our society — for a second set of eyes, another place for people to go when they have concerns. The Attorney General, who introduced this bill, knows this, because he served on a commission — an important government commission — with respect to the police. There are very few ministries of government or areas where government has so much potential power over the lives of individuals.

Think of it. The Ministry of Children and Families can decide, under certain circumstances, to go into a home and remove a child. Imagine that. Imagine that extraordinary power. Alternatively, as the ministers across know, they can decide to review a situation and make what can also be a very difficult decision to leave a child in a home, under specific circumstances.

[1525]

That level of government power requires a place, an independent place, a place where we can have another set of eyes, where in fact there can be some check on that power, not because — and it's certainly not the case of the police — those agencies aren't intrinsically good. They are. They're trying, with everything they can do, to serve the public interest.

It's important because the power is so great that it has to be checked. Those decisions are so important; they are fundamentally important. No ministry of government has that kind of power, and that's why we believed fundamentally that it was wrong of the government in 2002 to eliminate those agencies in the name of cost efficiencies. It's why we fundamentally believe that was the wrong course, the wrong decision, and sent the wrong signal.

I believe in the idea — and it's certainly what we proposed — of putting those agencies and concepts together — the need for a place of advocacy, a place for people to go if they have concerns and complaints, on

the one hand, and on the other hand, also a place of oversight and investigation of child deaths in particular but also of serious injuries. We believe that needed to be reinstated in British Columbia. We are delighted that Judge Ted Hughes agreed with that position, and we support fundamentally this legislation.

I want to talk a little bit — because I think this, too, is fundamental — about how we got here. I don't think it's any secret that the years that children live, particularly their early years but all their years, are fundamental to their long-term development. This is so self-evident that it's almost become a cliché. But we've had a period of years where children have suffered because of mistakes made by government. Those mistakes, and the consequences of those mistakes, are lasting. They don't go away because we've decided to introduce Bill 34. They don't go away.

If we don't shine a light on those issues, if we don't say: "Let's learn some lessons…." If we don't say that what happened over the last few years is wrong, that it should never be allowed to happen again and it has lasting consequences, then we are not doing our jobs as legislators, and we are not doing our jobs as citizens in British Columbia.

Prior to the 2001 election, the Premier of British Columbia said a series of very specific things about the exact issues we are dealing with in this bill. He said a series of things about those issues. He campaigned on them for years. I am not going to bore this House with his quotes over that time, but I will say what he told the electorate prior to 2001, what he promised the electorate prior to 2001.

He said, from their campaign book, in 2001: "We will make children the number-one priority and devote adequate resources." What were adequate resources? He said again and again and again in the 1990s that adequate resources meant more resources. And why not? He promised to "stop the endless bureaucratic restructuring that has drained resources from children and family services." That's what he said. That's what he campaigned on.

He promised to support and keep the Children's Commission of the time and the child advocate at the time. He campaigned on that. He said he supported that. He went to the voters and promised that. Those were commitments. They weren't commitments that we created on this side of the House. They were commitments that he called solemn commitments to British Columbia.

We all remember him on election night waving those commitments. In some cases, it's fair to say, it's true…. As the Premier has said in other cases, circumstances change, and you have to break your promise. He's talked about that with respect to B.C. Rail. This isn't B.C. Rail. This is a commitment to fundamental services to protect children and fundamental services to ensure some equality of opportunity for children.

[1530]

Unlike issues such as B.C. Rail, children in British Columbia — especially children in care, especially children living in poverty — don't have a lobby group. They don't get to see the Premier when promises and commitments made to them are broken. They don't say that at all. They don't get that opportunity at all.

What happened in 2002? In fact, the Ministry of Children and Family Development was targeted with some of the largest cuts any ministry has ever seen in the history of government in British Columbia — hundreds of millions of dollars of cuts from a Premier who promised that he'd make children the number-one priority.

What were the consequences of those cuts? What were those cuts? What kind of cuts did they make? Well, they laid off hundreds of front-line child protection workers. They introduced legislation to punish foster parents who speak out as advocates for kids. They attempted a vast and then botched restructuring that created chaos in the ministry.

They went further than that with respect to employment and income assistance. They imposed very significant cuts on working families at a time when they were committed to families, and they said: "We believe there should be alternatives to care." At the very time they were doing that, they were cutting services to families in need.

I don't need to list them all, but I'll list off some of them. Single parents lost money. Those were the priorities. You know, we talk about single parents and this notion of income assistance that has sometimes formed the basis of some of these policies on that side of the House. We talk about income assistance for parents as if it's their responsibility, their mistakes, and they should pull themselves up by their bootstraps.

But when you cut services, as this government did systematically to single parents and to families, you're cutting services to children. When you eliminate a child care program, you're cutting services to children. Who in this House can stand up and say that any child in this province deserves that kind of treatment? It must never happen again, and that's one of the reasons why we're here debating this bill.

On the chopping block, what else did they cut? They cut Christmas gifts for children in care. That's what they did. They cut the funds that helped pay for summer camp and recreation programs. They made fundamental cuts that affected the lives of everyone working in this sector. It was wrong, hon. Speaker — the largest cuts in history. It was simply wrong. When you think about it….

They also, by the way, restructured and changed the way we care for children. They said they were going to restore family rights and ensure that children stayed in families. They created programs. Let me recall the words of the Premier: "Enhanced training resources and authority for front-line social workers." Well, it's very interesting. It's very interesting, indeed, what the Premier says about these questions.

In June of 2002 he bragged about how successful this was. Well, what else happened in June 2002? The government proclaimed a new program in the cabinet room. It came to the cabinet room. It's called the kith-and-kin program. They proclaimed a new program,

and they put it in place. It would be almost comical if it were not so tragic — a new program to protect the most vulnerable children in society. They implemented it before they were ready, before they had standards in place, by faxing guidelines to agencies. This is where it came to. This is where the rubber meets the road.

[1535]

This is what happens when you don't make children a priority. This is what happens when debate is silenced. So what happened? Well, we know some of the things that happened. I'm not going to go back over the cases we're talking about, but it seems to me that when you introduce new programs…. It wasn't just kith-and-kin agreements; it wasn't just section 54.1 agreements. There were myriad programs put in place without adequate training, without resources that were cut-rate programs where people got less money to support children in care, children with serious issues because almost every one of those children was in need of protection. Can you imagine being in need of government protection and then being the subject, in addition to that, of government cuts?

Yes, we want to keep children in their families, but we should be supporting families. We should not be creating programs that cut support to children. We should not be making budget savings on the backs of the most vulnerable children in society. That is what this government did, and the consequences for children are what we know — very, very serious.

It is a terrible fact that with respect to children in care but also with respect to other programs, 49 percent of children in care are in aboriginal communities. When you focus cuts, because that's what happened here…. They focused cuts on children services. The consequences were felt greatest, felt most, were most painful in aboriginal communities, communities that surely have suffered from government recklessness before.

This was the road we went down: comprehensive cuts to the supports that children and families need to succeed in life. This is what they did. At the same time as they did that, they eliminated the Children's Commission, and they eliminated the child advocate. They eliminated, in fact, the watchdogs that might have blown the whistle; that might have said too much; that might have shown us, in 2003 and 2004, the consequences of what happens when you engage in such reckless policies.

Fundamental reform in the system…. It's not just me saying it. You need to read the Hughes report and what it says about governments that engage in fundamental reforms of the system while at the same time cutting resources for the system, as if somehow any financial benefit from those fundamental changes should be scooped away from the children involved and handed — I don't know — to another business of government. Of course, that's not what happened. There weren't financial savings. What happened was that the children and families suffered, and they suffered in silence. We must never go down this road again.

The decision to get rid of the Children's Commission and the child advocate in 2002 is one we are rectifying today — the decision that the Premier said he would never make and then made, the decision that he, to this day, refuses to apologize for. That decision is why we're here today.

What happened subsequent to that? There has been much talk about this, of course. The Hughes report says it: 955 child death reviews sent to a warehouse. The government did this. They got rid of these two offices, and they didn't have a transition plan. They didn't have any idea what they were doing. They didn't care enough to take responsibility for those cases. And 955 cases were sent to a warehouse.

When did we discover this? How did we discover this? Well, it took years to discover it in the system. It took years for anyone to blow the whistle. The Solicitor General was there the day I asked him about it, and he confirmed that they were in the warehouse last November, three years later. Those files in that warehouse were allowed to rot for three years.

People say that 955 cases sound like a lot of cases. Every single one of those is a child, and we have names for those children. Many of those cases are tragic. If you consider, in the context of this legislation, that 255 of those children in question were either children in care or children known to the Ministry of Children and Family Development…. They're 255 children who this act would have applied to.

[1540]

The recklessness — is that not a public scandal that should make people angry? It did make people angry, and I'm glad it made people angry. It should. We should never allow such things to happen again.

What happened besides that? The government promised that they had a more efficient model. They were bringing forward a more efficient model to review child deaths. It would go to the Coroners Service. Starting on January 1, 2003, there is this claim that they've done 546 child death reviews — a claim contradicted by the people doing the work in the Coroners Service. So you add those cases — 546 cases not done. Apparently, a review there is simply an issue of inputting names into a computer; 546 further cases not done, and the fact they weren't being done, hidden.

They cut the $4 million Children's Commission. They cut the child advocate. They cut the coroner's office by $800,000, then they sent $200,000 over, and they said: "We'll do the same work." This is recklessness. This is the contempt for government expressed as public policy. There is no way that agency could have done what the government said it did.

People can say they didn't know. People can say they didn't know about that. They can say that. They can claim that within government. But how is that possible? How is it possible that reviews can go on one day, and then reviews completely stop and nobody notices?

If ever there was a case for the need of an independent children's commissioner and a watchdog committee of this Legislature to draw attention to is-

sues, this is the case, because surely that recklessness, that contempt for the basic responsibilities of government….

People talk about primary reviews and secondary reviews of child deaths. The Premier never, in opposition, made that distinction — that we only had to do one. He always said there needed to be secondary child death reviews. He campaigned on it. He supported legislation in this House based on that, and then as Premier he allowed 1,500 child deaths to go undone.

It must never happen again. It must never happen again, and one of the reasons why I believe it's important that the Premier apologize for that is because people are already rewriting history. The person rewriting history in the first place is the Premier himself. He stood in this Legislature in response to the Hughes report. Let me read the Hughes report just with respect to the circumstances that I'm talking about, because people there may think that this is partisan. It's not partisan. Here's what Ted Hughes said: "I cannot agree with the Premier's earlier assessment that budget cuts did not contribute to the failure of the transition process or that the transition provisions of the new act constituted a clear plan for the transfer of the death review function." Page 128, hon. Speaker.

He further says that the Premier took the knife too far after he was elected in 2001 and must now restabilize the system. That's what Ted Hughes says. Read the report, hon. Speaker. It is a condemnation through its pages of the exact policies I've been talking about. It is a condemnation.

What does our Premier say? What does he say about that? What lessons has he learned from this scandalous period in our history — a period that never must be repeated? I believe and I'm convinced…. I know that the Attorney General and the Minister of Children and Family Development opposite are good people, and we are going to try and work together to ensure that the system is improved, that the standing committee works, that we get a child representative in place that does his or her job, but what does the Premier say?

[1545]

It is important that people acknowledge their responsibility and their mistakes in life, and sometimes it is hard. We all know that. But what does the Premier say when he refuses to apologize? He says: "Mr. Hughes said that we perhaps took on too many initiatives at once. If we have any failings as a government, I would suggest that it was because we were trying to provide for the children of B.C."

So you stand up in the House, and you give a standing ovation to a budget that cuts the Ministry of Children and Families by 23 percent, that negatively affects every child in care, every foster child, other children receiving support of the ministry, other children receiving the support of the Ministry of Employment and Income Assistance. That's what you do. And then you say: "Well, the problem was I was trying to do too much."

We have to learn from these mistakes. This was a serious and fundamental failing of government. That's what it was. Fifteen hundred child death review cases lost; children in every part of this province suffering because of cuts. They deserve more than this. They deserve an apology from the Premier of British Columbia.

Of course, as the Attorney General has said, this bill only deals with part of what Mr. Hughes has recommended and only part of where we need to go from here. There are more fundamental changes that need to be made. Mr. Hughes has set forth a long list of recommendations, and as the minister has rightly said, it will take some time to get on with it.

We believe, on this side of the House, and we have been saying this since last July, last August…. We got into the House last September, and we raised these issues many times in the session last fall, and we were met with denials at that time that change was needed. But now we've reached the point, we've convinced the government that change is needed. There are significant new moneys in the budget, moneys that the Premier had said they didn't need, and there is this new child representative in place.

On this side of the House we are going to continue with everything we have to put a focus on these issues; with everything we have to draw attention to the fact that there aren't enough foster parents in British Columbia, that we need more and they need more of our support; with everything we have to say that if you have programs, as Mr. Hughes said in his recommendations, such as kith-and-kin or other programs, you should fund them and support the families at the same level as you support other families. The children don't need less food. They don't need poorer clothing because they're in a kith-and-kin program as opposed to a restricted foster-parent situation or in care. They need the same amount.

Those programs deserve our support, and we're going to fight for those programs. I believe in those programs, but I don't think we should ever countenance cut-rate social work. I don't think we should ever do fewer home studies. Every child matters in British Columbia; no child should be left behind in this system.

That's why, to make these programs succeed…. We have in the last year or two a decline in some of these programs. There are significantly fewer — the minister knows this — section 8 agreements since April 2004. There are considerably fewer section 54.1 agreements, which are guardianship agreements, than there were then. Those programs are failing because we're not giving them enough support. We have fought for that, and we're going to continue to fight for that, because we believe these issues are important.

They're not partisan issues. Everybody in British Columbia surely should believe that children deserve our support, that children deserve an equal opportunity in life. The fact that we have a child representative who will monitor these issues, who will oversee the ministry, who will review children's deaths and serious injuries, who will provide the opportunity to advocate for children, for their families, for foster parents — with members of the public with an interest in the sys-

tem — will help us, as well, and that's why we support this bill.

[1550]

In conclusion, I want to speak of a man that I met along the path of the fight, I think, to change the system, to turn back this terrible direction, to shine light on what has been a dark period in the history of the ministry, of the government, a dark period for children in British Columbia.

I met Harvey Charlie last October, and Harvey's granddaughter tragically is at the centre of some of these terrible events. Again and again, at considerable personal pain to himself, he…. In some respects, it is easy to get up and speak about things as MLAs or as people concerned about the system, even the social workers. It is our passion. We care about it, of course, and it is important, but that's easy. We don't have what Harvey Charlie had at stake.

Again and again he stood up and said no to the government. He said: "In spite of the pain that it causes, we must find a better way. We must seek improvements to the system." I admire it so much, so I think of him today and of what Harvey and Rose did for children across British Columbia — something that was extremely painful and difficult to do.

What our children need in our society is equality of opportunity. What they need is freedom and liberty. What they need is opportunity, and what they need is our fraternity. These are old ideas and old goals, but in this Legislature and this debate we shouldn't forget them. What children need is to have a fair chance in life, a fair opportunity to reach and do whatever they want: come to the Legislature, start businesses, serve the public, join professions — whatever they want to do, or not do any of those things.

What we need, hon. Speaker, are supports to ensure that all children — the 9,000 children in care, the tens of thousands of children who otherwise receive services from the ministry, the children living in poverty in our province — have an equal and fair shot in life. It is unconscionable that in a place as wealthy as this we have the highest child poverty rate in Canada — not according to me, according to Statistics Canada. What we have is a period of economic growth where social inequality is becoming greater — something that for all of us who believe in those notions of freedom, of equality in our society, should be a very disturbing fact.

Every child deserves a fair chance. Having a child representative in place, I believe, will help us get there. The efforts that all of us can make in this House will help us get there. Embracing and acknowledging the incredible work done by people who work with children will help us get there, but we will not get there unless all of us in society take responsibility for our children, for giving them the opportunities they deserve. All of us take responsibility so that, in the best sense, we make this a political issue, and in the best sense, we work together to improve the lives of children.

I commend all members of the House to support this bill, and I ask all members of this House to consider in all our decisions we make, now and in the future, the impact of those decisions on our children. Where we have been, we must never go back to. We must come ahead. We must improve services. There is too much at stake for all of us. There is too much at stake for the future.

S. Hawkins: I seek leave to make an introduction.

Leave granted.

Introductions by Members

S. Hawkins: In the gallery, visiting from Kelowna-Mission, is the second half of the school I introduced earlier, Mr. MacArthur and Ms. Hendren are here with 40 grade seven students from Kelowna Christian School. I would ask the House to give them a very warm welcome.

Debate Continued

Hon. L. Reid: I rise to lend my support to Bill 34. This is a complex and challenging area. There's absolutely no question about that. Resourcing young children and our families — hugely complex, hugely challenging. Those challenges change day by day and will continue to be a very fluid area of societal development as we move forward.

[1555]

The issues for me are about building resiliency — how we do that; how we move forward collectively to care for what are, indeed, the most precious citizens of this land. There's no question about that.

It's a complex area. I use that terminology because identifying risk will always be complex. It will always be challenging. For the individuals who engage in that as a profession I have the highest regard and the highest respect. I do not believe for a second that there is any more difficult a decision than one that separates a child from his or her family.

For the people charged with that responsibility, it weighs heavily upon them. There is no question in my mind that it is an enormous responsibility that society places upon them. I bring to my remarks the highest regard for that level of sophistication when it comes to that level of decision-making.

Protecting vulnerability is also an underlying principle. Once we've identified the risk, how is it that we as a society, as a community, as a nation, choose to protect vulnerability? It's a challenge. It's a challenge for babies of every age, for young people, for adolescents, for adults. How do we choose to transition children? How do we choose to transition their support systems? How do we choose to move them through a continuum of service that is about who they are at that time in their lives?

This is never going to be a discussion about one-size-fits-all. This is always going to be a discussion that's underlying a notion of value that says, frankly, one size rarely fits anyone. We have to be adept. We have to be responsive. We have to be thoughtful, and

in my view we must always be respectful when it comes to issues of child protection.

This is family. Each person in British Columbia that this legislation will touch is a member of someone's family. I don't believe there's anyone in this room who would wish to have their child raised by a stranger. It affects their child. It affects that level of secure attachment. It affects who they will be as parents themselves one day.

All of those layers must be folded in and must be understood in terms of the complexity of this decision-making. It's a complex area. It's hugely challenging. My time in government has been in this ministry, and my time in opposition has been in the critic role currently shared by the critic today. There are vantage points to this.

What I want to say today and want to clearly imprint upon the individuals listening to this debate today is that we must always place the child squarely at the centre of this discussion, because each family, each corner of the province, each agency, each jurisdiction will bring a different vantage point to how we do it.

We understand that there is enormous complexity to this level of decision-making and that respect and regard must be folded in, in terms of how we proceed. It's the basic underlying principle of the debate that must happen today. It's challenging; there's no question about that. There are family responses to child protection, to building resiliency, to caring for children, and there are community responses. Frankly, there are national responses, and there are neighbourhood responses. To be successful, we need each of those entities to work collaboratively.

This has always been a challenging area. No matter the province, no matter the country, no matter what corner of the globe, this work is not easy work. This is complex and challenging work, and I think I'm in a unique position to comment today. I have been in this House for 15 years, and I have seen and worked with and commented on the work of each of the individuals who have held roles similar to this one.

I was the critic when Joyce Preston was in her role. I was the critic when Cynthia Morton was in her role. Neither of those individuals will tell you that this is easy work. It's complex, challenging, heartbreaking, gut-wrenching. It's tough, tough work. Indeed, this role will require someone who is incredibly gifted in understanding oversight, protection and resiliency and in how we get to have a better understanding of what identifying risks looks like and what protective factors look like in society.

[1600]

There isn't a person in this chamber who wouldn't wish to be part of a process that keeps children safe. I wouldn't believe for a second that there is anyone who would knowingly, willingly put a child at risk. They are citizens, and we have an enormous responsibility to collaborate when it comes to how to deliver a service that's vitally important to every single community member.

I believe that we have an enormous amount to learn from aboriginal communities in British Columbia — their sense of family; their sense of collaboration; their sense of extended family; how children are cared for in community; how extended family plays a vitally important, critical role in that interface, integration and connection. That is a lesson that each of us as community members will learn as we go forward and, I hope, will bring a greater regard and a greater respect to those discussions.

It's vitally important. It isn't about ignoring societal wishes, needs and desires. It's about a better understanding of how to produce the best possible outcomes for the children of this province. I am on the side of measures that protect the integrity of the family. I'm on the side of doing our very best to ensure that every child in British Columbia has a glorious childhood. That has been my professional life; that has been my public life. That is work that I believe in fundamentally because it is the cornerstone.

How families parent their children today is the cornerstone of the health and success of our communities, neighbourhoods and societies. How we engage a process that has oversight protection around that parenting role is enormously important. How we engage foster parents in British Columbia is enormously important. How we understand that collectively we have a responsibility to every baby born in this province…. There are 42,000 of them born each year — 42,000 children who deserve the best possible childhood.

A glorious mentor of mine, Dr. Dan Offord, the late Dan Offord now, said we will only ever become a civilized society if we learn to care for children other than our own. It's a remarkable comment, because for him, it's a work in progress. For me, it's a work in progress.

We don't often have complete and utter civility in the ways that children are cared for in the province. We lament that; we regret that. We're often astonished by some of the trials and tribulations that youngsters are subjected to, often at the hands of their parents. How we engage and hold parenting to a higher expectation is part of this discussion. There isn't one of us who would wish to have a parent in a predicament where they felt ill-equipped to parent their children. There isn't one of us who would wish that. How we pull together, how we collaborate in terms of the parenting piece, the community piece, the neighbourhood piece…. They're all vitally important pieces.

The basic principle I bring to this is one of respectful engagement. I want us to have better relationships with aboriginal communities in British Columbia, but I want us to have better relationships with every single neighbourhood in British Columbia, because children live in every corner of this province.

There is work before us. The work of the children's representative will be about supporting and advising children, youth and families who need assistance, frankly, as they wend their way through the process. That is an important piece of this act. Having resources available — if families are not able to secure them, access them, find them and locate them — is not half as important as ensuring that there is ease of access, public education and awareness of how to receive services

that will strengthen you as a parent, strengthen the community and strengthen the neighbourhood. It's vitally important.

I am a firm believer that there is child development and that there is child protection in British Columbia, and those things must be inextricably linked. We cannot do that work in isolation. We will have greater success each and every day with those programs that support resiliency, parenting practice, effectiveness and communication; an array of strategies that provide parents with enormous levels of support; and sounding boards, family resource programs and continuing care programs — all of those pieces. Any one family may need those services at any given time.

[1605]

The reality is that there has to be a range of services in a basket because a family may need a variety of services at any given time.

Our challenge is to ensure that we collectively as community, as society, step up to the plate. If any one entity in society could keep families and children safe for all time, we would not have the issues we have today as community. We simply would have reduced those issues over time.

That has not been the case. Diligence is required on behalf of caregivers, anyone who would care for a child. That split second you're not watching them in the bathtub, and a youngster in British Columbia drowns. The opportunity not taken to secure an infant properly in a car seat that's backward-facing in a car, to give them the ultimate protection. There are choking hazards.

All of those bits and pieces that parents and caregivers must be ever vigilant for are part and parcel of this work, because some of this work will identify trends. It will give advice to parents, to community, to caregivers and, frankly, to newscasters who will bring that information into the public domain. All of us have a responsibility to do that because it's vitally important.

There are children in British Columbia today who die at the hands of a caregiver. There are many more children in British Columbia today who die as a result of preventable accidental death — preventable death. There are ways that we have to collectively pull together to understand what that looks like. It's vitally important to me that we continue to do that. I want coordinated service delivery in British Columbia, and I want better understanding in terms of the contribution each of us has to make to better understand the protective factors.

Every once in a while there's a public service announcement that gives parents that information. Yesterday the news hour talked about cutting the cord on blinds that people have in their homes, because children in Canada continue to die today because they get tangled in those cords. There isn't a parent out there who would have suffered that tragedy, who would not have taken the ten seconds it would have taken to do that.

When I speak of collective response, creating protective factor, each of us has a responsibility to step up to the plate and do that. Legislation alone is not going to protect all children over time. It's going to create opportunities for us to be assisting and understanding trends and understanding the opportunities we have for public education, but it's a big piece of work that needs to be done.

Certainly, the child death review piece — important work. It is about identifying trends. It is about giving caregivers and parents the best information of the day to keep their children safe. The debate today for me is about keeping children safe. It isn't about the best-quality child death review for me. It's about the best-quality childhood, and it's vitally important.

When I talk about municipal government, provincial government, federal government, community and neighbourhood, it's important that we pull together to better understand why each of us has a responsibility not just for our children — for our neighbour's child, the child who lives across the street, the teachers in that child's life and the early childhood educators in that child's life. All of us have lessons we have learned in this place, as legislators, that must not be forgotten. It must be that we continue to always apprise ourselves of the trends that are happening internationally and nationally and how, indeed, we can keep children safer in the province.

For me it's always going to be about cooperation; it's always going to be about the best information. I want government practice to be informed by the best research of the day. I want people to engage in the best possible child development practice, child protection practice, community-building practice and capacity-building practice. I am looking for the best. Indeed, the strides that have been made are extraordinary.

We have some of the finest early childhood educators in the country. We have individuals who believe, heart and soul, that the health and livelihood of a child matters. It matters deeply to me.

There will be ongoing discussion about governance, collaboration and integration. If they're couched in terms of how we protect the integrity of a family, how we better engage parents to parent their children more effectively, that's part and parcel of this discussion. They're not separate issues. They're not issues in isolation. They're vitally important.

[1610]

It is about shared parenting. Each of us, as parents, in this House has probably shared parenting responsibility of someone in our lives over time. We've probably done that. We have probably chosen incredibly well — someone we trust, someone who has ability, a skill set, intuition, connection and a sense of relationship. We've probably had the opportunity to make those choices, to make the best possible choices.

I want that opportunity for every single family in British Columbia. The heartbreaking ones on the news hour are the ones where families have believed they had no choice but to leave their child with the person who turned out to be horrible. We don't want families placed in that predicament in British Columbia. This opportunity to understand that situation better and, hopefully, better support programs that strengthen

family…. Children grow up in families. Children live in families. They deserve to have the best possible start in those families.

Certainly, there are opportunities for us to better integrate what we do, better understand what we do. But we represent every community in this province. The legislators in this House today represent every community in British Columbia. How we go forward, how we understand that the goal — the ultimate goal — is a better-quality childhood will be work that is yet before us.

It may take a problem-solving approach. It may not take a confrontational approach. It may take some problem-solving. It may take being responsive. It may take being better listeners on a whole array of different fronts. But the challenge is too important not to take every possible opportunity to engage families, engage providers, engage caregivers in how best to strategize, to look out for the safety of children, to anticipate a risk and hopefully to prevent it.

All of those pieces are incredibly important. How we resolve those issues as we go forward will be a test of the humanity of every single person in this province. It will be a test of every community that has ever resided, every society that has ever existed. How a society cares for its children matters to the future of that society. There is absolutely no question.

Are there lessons we can learn from other societies, other communities, other cultures? Absolutely there are. I will stand before you today and say that I'm absolutely open to learning those lessons.

I am a supporter of the extended-family option, because none of us would wish our children to be in a circumstance where they didn't know a single soul. None of us would wish that. We have work to do in terms of how we create structures that support children to have a connection.

One of the most heartbreaking stories was a young woman in her 20s who came to my office. She had lived in myriad different foster homes, and her last evaluation was…. Someone had written that she didn't know how to form a longstanding relationship. She was heartbroken. The reality was that she had never had a longstanding relationship. She had never lived anywhere long enough.

The expectations we place upon placements, upon children to survive them, are enormous. Collectively we have work to do in terms of bringing wisdom to that discussion, compassion to that discussion, empathy to that discussion, because it is part and parcel of where we want to be as a society. Frankly, it is part and parcel of the society we wish to live in.

I am clear that this is about best practice, how we get there. It will be a constant — a better and better approximation, if you will, of what each of us would wish for the children who live in our ridings, who attend the schools in our ridings, who live next door to us.

What is it we would wish? What I wish for my children is what I wish for every single baby in the province of British Columbia — that they have choice, opportunity and joy. I don't believe members in this House would wish something different.

Are there tools and strategies to get us to that point? Yes. In the recommendations that Mr. Hughes has brought before us, absolutely, there are some recommendations that make good sense. It is work that has begun in this province. How we link databases. How we share information. How we establish trends. How we inform the public. How we build better public safety messages.

[1615]

All of those things are part and parcel of this discussion, because the outcome has to be a better childhood, a more glorious childhood, for every single person in the province.

Again, once the risk has been identified, how do we protect vulnerability? What are the protective factors? What is it that each of us needs to know as an MLA? What is it that each parent, each caregiver, in this province needs to know to keep the children in their care safe?

What is that discussion going to be about in five years' time from now, ten years' time from now? There will be different challenges. There will be challenges that are common to every decade, I'm sure, but there will be new challenges. We must be adept, we must be responsive, and we must bring wisdom and a sense of problem-solving, creativity and innovation to these discussions. We must. It is about going forward, and we must have the wisdom to do that.

Let me give you one example when we talk about a protective factor, a strategy that we can look out for. There is a conference going forward on Friday of this week in Vancouver on shaken-baby syndrome. It's vitally important. A completely preventable defect, if you will, that's created by someone viciously shaking an infant — usually triggered by crying.

As legislators, as humanitarians and as members of community, do we have a responsibility to put in the hands of every parent — no matter their age — strategies they might engage in when their child engages in inconsolable crying? Have we done that? British Columbia is actually leading on that front, because it's vitally important that families have at their disposal a strategy that's not shaking the infant in terms of quieting them down.

All of these are pieces of the same complex and challenging puzzle but a vitally important puzzle that we understand. There is much research done on childhood neglect and childhood abuse. The reality is that very few British Columbians set out to damage their infants. Very few are malicious in any way. Neglect compounded by an array of other circumstances will hopefully be better understood, as we move through this debate and this discussion — and the lives of babies in the care of this province. It's vitally important that we understand better how that's done.

I believe that the care of a child in British Columbia is a shared responsibility. Each of us has a piece of that. What we're attempting to do here is keep children safe. That is my primary focus in this debate. We each have an enormous responsibility. We each have a role to

play, and if we better understand what our responsibility is as individual British Columbians, as parents, as family members and as members of community, we indeed will support this piece, Bill 34.

In my view, each child deserves a glorious childhood, an opportunity to maintain a connection to their family and to be parented with the best possible parenting practice. That's my priority. This can't be solely a discussion about the best child death review. It has to be a discussion about the best possible childhood.

R. Austin: I rise today to give my support for Bill 34. I do so with a sense of mixed emotions, I must say. On the one hand, I am definitely pleased that the government has moved quickly to bring this bill into place, which will bring back an independent children's commissioner. But on the other hand, I'm also deeply disturbed that this position was taken away in the first place. I believe very strongly that for a period of time, during the government's first time in office, we went drastically backwards in regards to helping our most vulnerable children in this province.

[1620]

I say so, having had some experience in this matter. I note, in listening to what the Premier said when he was in opposition in 1996 — the same year that I became a foster parent in British Columbia…. I quote: "One thing we should all do is put the care, support and protection of children at the top of our priority list." I believed then as I do now that that is something all of us in this chamber and all of us in British Columbia should be doing.

From what I witnessed over the last few years after the Leader of the Opposition became Premier was that he unfortunately went back on those words and brought into place a series of cuts that drastically affected many people who worked in child protection. Many of us who worked in the field of helping vulnerable children — whether they be in the school system, whether they be through the ministry or whether they be in different organizations that help to give support to children in need…. Those cuts created devastation.

I want to speak for a minute about what it has meant to those of us who live in northern communities. I think it is fair to say that whenever cuts happen within government, the further you go away from the lower mainland, where there are fewer resources to begin with, the worse those cuts are for those of us who have to try and make amends for those cuts.

I was travelling a couple of weeks ago on a plane and sat next to an RCMP officer who had worked up in Dease Lake and in Telegraph Creek during the period when these cuts were taking place. I want to just share his experience.

There was many an occasion when he was called out to accompany social workers in the middle of the night to go out on emergency calls. The social worker would go with the RCMP officer there to provide a sense of protection for the social worker, because obviously these situations would be very unstable. He told me that some of the things he witnessed on these calls challenged him as a human being, because he would go there and see living conditions, circumstances, that he would not want any child to be living under. Then he would have to almost help the social worker to calm down. Frankly, in places like Dease Lake and Telegraph Creek, even if we discover children who really need attention and protection, there aren't necessarily the resources. I don't just mean money; I mean there aren't the physical spaces to take that child and provide that protection. I think what he was telling me — that gentleman is no longer a police officer; he couldn't take the stress — just speaks to the difficulties of making cuts to a system when a system is already stressed out, as it has been.

I think it's not just in remote communities that we have these problems. Where I live in Terrace, and in Kitimat, which I represent, and in Rupert…. I've had children who've come from Rupert to stay in my home. All of the rural communities are suffering and are having great difficulty to provide the basic levels of service.

I was speaking with a child protection worker recently, who works in the area of resources. A resource child protection worker is someone who has the responsibility of finding a placement for a child who has to be brought into care, whether temporarily or on a long-term basis. I was in her office, and she had a board up beside her desk. It had the names of all the foster placement resources that were under her responsibility and little sticky tags of the children who were placed in these homes.

She was telling me that one of the most difficult things is after the first meeting in the morning, when the various teams and their leaders meet and discover what is the highest priority for beds that they need on that day. Then that resource worker has to go back to his or her office and try and find a foster placement, whether it be temporary or long-term, for that child.

The stress upon these resource workers, when there are no foster placements available, is untenable. I think it's one of the reasons why we have burnout of social workers and why we have social workers who are literally working on a revolving basis trying to get out from one area to another to go to somewhere within the system that has more resources.

[1625]

It creates incredible stress — so much that in my local community, the social workers who at one time looked to resource as an easier place to work have now chosen child protection. It's almost impossible to find resource workers who want to come and do this job on a full-time basis.

[Mr. Speaker in the chair.]

In the last few years while we were under stress in the community of Terrace, we were still taking children coming from the nearby community of Prince Rupert because in Prince Rupert there were even fewer resources than what we had in Terrace. For a number of years I can honestly say that meant that, for example, a placement of a teenage child…. There were no more

placements left in Prince Rupert for a number of years for anyone in the foster system who was willing to take on teenagers. As a result, those teenage children were brought to Terrace and filled up spaces that we already needed for our own needs in the Terrace community.

There has been a sense of crisis going on for many years, and it was exacerbated, most definitely, by the cuts that were made by this government. I think we have lots of work to do.

I was speaking last week with somebody, a fellow foster parent. We met on a walk, actually. She had five foster children with her, and I was very surprised. The last time I spoke to her, she only had two children in care.

We got talking for a few minutes about what was going on and how she ended up having five children in care. The most extraordinary thing wasn't that she had five children in care. The most extraordinary thing was that she was still getting phone calls on a weekly basis from the resource workers working out of Terrace asking if she could take more. That just shows you how desperate we are to train more foster parents, to bring greater resources there because the needs are so great.

I'd like to speak for a minute about the issue of aboriginal children in care. I have been doing this job now for ten years, and without exception, all the children who have been in my home and in most of the homes in our area are aboriginal. I think I'm right in saying that 72 percent of all the children in care in northwest British Columbia have first nations status. That is a troubling statistic in and of itself. But the difficulty is that those of us who are trying to provide care don't have the ability to keep attachments and to necessarily raise those children with all of the history they need so that they know where they came from.

I think one of the things that fell by the wayside in the last few years, as these cuts were put through, was that the movement to try and allow first nations communities to take responsibility for their own children and to be able to raise those children within the context and cultural environment of first nations society has been put on hold. I think that's one of the things we need to move forward with strongly as we go out and try to bring some of the other pieces in the Hughes report into place.

The Hughes report highlights many of the concerns that I and others have, who have worked in this area. They state here: "That the provincial government actively collaborate with aboriginal people to develop a common vision for governance of the aboriginal child welfare system…."

At present we have child welfare agencies working in northern B.C. who only have delegation to a certain level, but who had hoped that by now they would have full delegation and full authority so they could look after their own children. I think we need to work towards that. We also need to help aboriginal agencies to train and to build capacity so that when they have a crisis, they have somewhere to help themselves with it and don't have to look for support from outside.

I think that MCFD and the community representatives also need to help decentralize the system. I've noticed, in the years that I've worked in the system, that decision-making often got taken away from those front-line workers who built relationships with foster parents and with the children. I've found in the last few years that the decision-making went to team leaders and then from team leaders to somebody else in Prince George. I don't think that's the right direction for us to be going in.

I also feel very strongly that over the last few years, the social workers working within the system have ended up spending about 80 percent of their time in front of a computer filling out forms and filling out reports. It means they are not able to actively engage either with the foster parents or with the children or families who they are trying to support.

[1630]

In my instance, for example, I note that the best-practice standards for someone who is a guardianship worker is to meet with that child, all of the children on their caseload at least once a month — maybe just go out for a coffee, take them out for hot chocolate at Tim Hortons. I can honestly say that in the last four years of my daughter living with us, her guardianship worker has not been able to pick up the phone and even phone on her birthday, let alone take the time and trouble to keep monthly contact.

I say this not to speak ill of that individual social worker. I know what he has to do every day. What has happened over the last few years is that the workload amongst social workers is such that they can't follow any of the policies in the manual under best practices. It's one thing to talk about best practices, but it's another thing to actually have the resources in place so that they have sufficient social workers with sufficient time to do the job they have been asked to do.

I think we have lots to work on as we move forward. This is certainly a start, but we need to form a committee. I pledge, if I am on that committee — and I'm sure anyone else on this side of the House — to work hard to enact any of these recommendations, so the government will bring forward as many as possible as quickly as possible.

As the member for Vancouver-Kingsway stated earlier, people's lives were deeply affected by these cuts. We can never give that back to them. I would honestly say that we have destroyed lots of people. We've certainly destroyed lots of families up where I live. I've had many people speaking to me with tears in their eyes, who've gone through the hardship of the last few years. I hope that now we can turn this around and move forward.

M. Karagianis: I stand with my fellow members to speak in favour of Bill 34. In fact, I think it's time that someone, once again, is able to focus on children — on their rights, their safety, their protection and the moral guardianship that should be their due.

I would like to express a debt of thanks to the member for Vancouver-Kingsway for his valiant efforts in leading the charge in establishing awareness of the circumstances that have occurred here and given us the

ultimate bill that we see before us. I think we owe a huge debt of thanks to the Charlie family as well. In fact, the Charlie family is at the heart of this.

It is their circumstances that were highlighted in this House and in the media, which captured our attention, our consciences and kept us frozen in horror at the facts of that story as they were unveiled. It's often, unfortunately, tragedies like this that move us forward to make the kinds of decisions that resulted in Bill 34 today.

In fact, I'm standing here on behalf of a constituent of mine, who is also a good friend and a very strong Gitxsan woman, by the name of Trudy Spiller. Trudy lost her nephew to a fire in 2003. Unfortunately, her nephew is one of those files discarded among the 955 files that were left uninvestigated in British Columbia.

This small, frail child's life has sat in limbo, with information discarded and leaving the family with no closure and no information and no way to move on with their lives. On their behalf, I'm standing here today to speak to this bill. My constituent is also at this very moment struggling with this government to assume care and guardianship for another child within her family. She's working under the kith-and-kin agreement to try to take over the care of this child. I know that she's a strong and brave woman, so on her behalf I'm standing here today to speak to this bill.

[1635]

I mentioned that her family has had no closure on the death of a child from 2003, and in fact, like many families, they may never get the answers to what really happened to this child. For that, I think that all of us should bear some shame — that there is a circumstance out there that would leave families wondering at the circumstances around the death of a child so many years after the fact.

In fact, when I saw Bill 34, I began to pore over it for the language that it contained to get some assurance that it casts a wide enough framework for the future that we can have some assurance that these circumstances will not occur again, certainly not under our watch here in the time we have in government. I was encouraged by much of the language that's contained in the roles and functions of the representative: "support, assist, inform and advise children and their families…." That gave me some comfort, because that's what's needed.

"Review, investigate and report…." Again, those are all critical responsibilities that government owes to these families in the circumstances around children's protection. I was heartened by terms like "advocate on behalf of children" because that lack of advocacy over the years has resulted in, as the member who spoke before me spoke of, broken families and losses that are irreplaceable to families or to my friend Trudy, who can never replace the child lost in their family. In fact, for her whole community, that can never be replaced.

I was heartened to see that this role of this new representative is going to be directed to "participate in processes in which decisions are made about how services are provided." I'm glad to see that that language is in there. Again, that's a huge piece of the puzzle that was lost over the last number of years, cut out of the heart of services and protection to children.

Other language. It said that this representative will "monitor quality assurance activities" and "undertake or collaborate in research related to improving designated services…." Again, I was actually very heartened to see that that language is in there, which gives me some measure of comfort around the scope of work this representative will do.

Under section 11 I was glad to see some of the framework here around the representative being able to look to the past and in a much broader time frame, around the circumstances that occur in children's protection, in exploring abuse or children's deaths. I think that's a really important part of government's role here. Too often we are caught with very narrow vision on how we look at circumstances around children's protection. That narrow vision is really the culprit in our failing to make connections between past and present and future behaviour, and patterns of abuse.

Often in these tragic stories that are played out, there is all the evidence there, if we were only to look in the right places and put all the information together — connect all the information around a child's death or abuse. We would view them in a larger context and see long before tragedies occur that there is danger for children. So I'm happy to see that the context around how this representative will work may give us some protection there.

Section 12 rectifies, I think, the firewall that government was able to throw up to deflect responsibility for the cuts that were made and the implications that those had on the loss of children's files and on children's deaths. In fact, it was a huge struggle within this House in trying to make sure that the entire context around what occurred was evaluated. I'm glad to see that that language has now been put in here.

[1640]

I will say that some of the language within the bill here does give me, I guess, some concern, because I see terms like, you know, the representative "may" analyze information and "may" review and put together information for reports, rather than "must." I think that may come up when we discuss the various sections of this bill. I think that for families to have closure, for us to really supply the kind of open and accountable government responsibilities, we need to make sure that there is full reporting-out and that never again in the history of this province is information buried where we cannot find it and we cannot see what has occurred.

I will also say that, for me, one of the reasons I'm standing here is because of my friend Trudy and her family heritage and the community that she represents. I believe it's really important that first nations have a very significant role in how this representative functions and in the kind of representation that this province provides. First nations' influence, consultation and representation in this process are really important, and I'd like some comfort around that.

I think that this is step one. This is the beginning of a process. It is not the entire process. It is, in fact, merely the first small baby step to be taken in rectifying

the wrongs that have occurred in the past few years. In fact, I think Mr. Hughes has clearly laid out a very comprehensive plan, and I believe that with any plan you cannot simply take one aspect of it away and say that satisfies the plan. I think all the recommendations need to be followed in order to make any aspect of the plan work effectively and to provide the support systems around this representative.

I would hope that the government and the minister responsible are going to indicate at some point in this process that this is really the first step of a series of things that will occur. I think that's a responsibility that government owes to all the children and families of British Columbia — and certainly to people like my friend Trudy and all the other families whose children have been lost in the system and whose deaths have occurred unnoticed, undefended and unprotected by this government.

I think all of us need assurance in this House that the entire process will occur, because without that we will not ever be confident that history cannot be repeated here or that we cannot fail children again because we didn't do all of the entire process and comprehensive plan that was recommended to us.

You know, this government claims repeatedly that they want this to be the best place on earth to live, here in British Columbia, and we often celebrate the riches of our province and of our quality of life here. But that actually needs to apply to all people, to everyone in this province — not just the families with nice, warm homes and three meals a day and loving, caring parents. In fact, if we really want to create the best place, we need to start with the most vulnerable. We need to start with protecting those who need our care, who need our protection and who need the strength and power of government behind them.

Throughout history it is the mistakes we have made and the tragedies that have occurred that have evolved us as human beings, moved forward the evolution of humanity, created civilization and moved civilization forward. When we don't pay attention to the history and we don't pay attention to those mistakes, we are doomed to repeat them again and again until we have learned the lesson.

[1645]

I think that as long as government allows children in this province to be victimized, allows women to be marginalized and allows families to live in poverty and abuse, then we have failed. In fact, we have eroded civilization, and we have failed as leaders, and probably as human beings, here in British Columbia.

Each time our humanity is weighed up on the financial scale, the dollars and cents, as it was done here in cuts that were made to valuable programs across this province, I think we diminish who we are as human beings and we reverse the whole evolution of our civilization. I think that this has been a hard-won victory for those children who were lost in the system, who were ignored by the system and who fell through the cracks of the system over the past number of years — a very hard-won victory.

Much like a war, the casualties have been extremely high and a huge price for all of us to pay. I do think that this is the first step of a victory for children in the province, but I think we have a very long way to go. As long as we have to stand up and argue, fight and debate on what is right to do for children and families in this province, then we will continue to have a long way to go. It's the day that we don't have to stand up and argue about it, when we actually have consensus and have all reached the same enlightenment on this, when we will have resolved, good leadership in British Columbia.

I will be happy to watch the discussion as we move through the committee phase of this bill, and I am looking to government for some assurances on some aspects of this around first nations representation, around some of the language in here that I consider to be too permissive. Whenever we say "may" instead of "must," we will let down those who expect to see transparency and accountability in government, so I will be looking for those assurances from the minister as we debate those, clause by clause.

N. Simons: I'm very pleased to be able to stand and speak to Bill 34, which is re-establishing, in particular, an independent overseer of the Ministry of Children and Families — and a number of other areas in general. I'd start by saying that any comments that I make, I mean with respect.

I believe that this has been a long time in coming. I joined political life in January of 2004, largely because of the situation that I believe was the foundation for the government's having another look at the child welfare system. It gives me great pleasure on a personal level to know that entreaties on the part of the people of British Columbia, the families and the opposition have been received and acted on, at least in part, by the tabling of this legislation. I say without hesitation that it's a very good first step.

Noticing that there was a qualifier in there, that it's a first step, I simply want to point out this: the problems were identified early on in the case by the child death reviewer, and subsequent to that by the coroner, and subsequent to that by the child and youth officer. Despite only addressing one of the areas of major concern — essentially, to monitor the ministry, to review the services it provides and to review child deaths or injuries — I think that, ultimately, we really need to realize that this is important but, I emphasize, a first step.

I'm pleased that it was the result of a lot of hard work on the part of many members of this House and people in the field. I'd like to speak to it from the position of a social worker. As a former child protection social worker myself, I spent many, many years investigating child abuse and responding to child abuse investigations. I'd like to say that I was also the director of a child welfare agency on a first nation, and I believe that I have an understanding of the issues facing these people, in all walks of life, who have struggles in their family life.

[1650]

I'd like to just point out some inaccuracies, perhaps, that have been spread in the past on this issue. I'd like to start with the explanation for the dramatic changes that occurred with the introduction of the kith-and-kin program being an attempt to keep young native children with their families. There's absolutely nothing further from the truth. The minister knows very well that there were policies and practices available and in place in 2001, in 2000 and in all of the 1990s that would require social workers to check first to find out if there was a family member able to look after that child.

In fact the guiding principles of the Child, Family and Community Service Act state very clearly — through to the minister, who may have read this — that a child is entitled to be protected from abuse and neglect and harm or threat of harm and that the family is the preferred environment, and if the family can provide a safe and nurturing environment for a child, that the child should stay in that family. However, it also points out the importance, the urgency and the legislative requirement that if a child can be placed in extended family, that child is placed with extended family.

The kith-and-kin program did absolutely nothing to change that policy, and every social worker in this province knows that. I am tired of hearing from this government, until now, that this was an attempt to keep children with their families.

The issue that we're facing right now has been partly resolved because with this legislation, no longer, I hope, will the public of British Columbia be fooled by the spin that's put on policy changes. The policy changes that took place when the kith-and-kin program was enacted were specifically to ensure that the cost of that program in child and family services would be reduced, and not only that, but that the number of children in care would be reduced. Well, that's an interesting little turn of phrase here — "children in care." If you're in kith and kin, you're not in care; if you're in a voluntary care agreement, you're in care.

The voluntary care agreements have been in place for eons. Before that, when I started, they had another name: "temporary care." We were able to look at children and their situation, talk to parents and say: "It looks really difficult here. Would you agree that perhaps your child should remain with a cousin or a sister for a temporary period of time while we work on the family crisis that you've got?" We would sign an agreement. We wouldn't go to court. It would be fine. It would be understood that we would work together cooperatively to allow the child to return home into a safe environment.

The voluntary care agreement is the same thing in the Child, Family and Community Service Act. It was a tool that every social worker had in their briefcase when they went into a home. It was not the first thing suggested. Every child protection social worker wants to do what they can to make sure that the family has the tools necessary to look after their child in a healthy way. That's the goal of social workers and the intent of social workers. The actual effect of social workers has to be strengthened by the tools that the government provides for them.

What happened with the introduction of kith-and-kin? It did not happen overnight. The use of voluntary care agreements, the tool that every social worker had for years, was taken away from them. Social workers were told they were no longer allowed to enter into a voluntary care agreement with a family. They could no longer reach into their briefcase and say to the family: "We have a temporary solution to this crisis. Let's work together. We have to work together." They were no longer able to pull that agreement out of their briefcase and put it on the kitchen table as they sat drinking coffee with a distraught parent, a parent in crisis or a parent who had just lost it with their child.

That's the majority of the cases that child protection social workers deal with. We very rarely come across parents who want to hurt, neglect or abuse their children. It's rare, and we had the tool. We could say to a parent: "Look, we all agree this is a problem. Let's try and figure out a solution. Let's sign this agreement." We'd do it for a weekend here; we'd do it for two weeks here; we'd start with a month — whatever. Systematically, social workers were told: "You're no longer able to do that without" — not your boss's approval, but — "your boss's boss's approval."

[1655]

It is inappropriate, when you're sending people out to the front lines — into the apartments, into the homes or into the place wherever the child is — to say: "I have no choice here. I can't make any decisions right now. I'm worried about it. Here. I've got no options."

Suddenly kith and kin is given to them. Kith and kin. What a perfect panacea for all the problems. Yeah, you can do those. You don't really need approval. Well, you do, but you don't need the same approval. There's hypocrisy in the legislation and in the policies that were underlined.

Voluntary care agreements versus kith-and-kin agreements. The hypocrisy is simple. To do a voluntary care agreement…. Any social worker could do that if they were delegated at a certain level. What happened when they introduced kith and kin? Only child protection social workers were able to do voluntary care. I won't go there. It's too complicated. But every social worker in this province knows that the legislation on which they base their practice should be sound, because nothing is more important than going into a home with confidence, with the ability to offer services that will actually meet the child or the family's need.

Quite frankly, I think the public should know that kith and kin replaced a program that had required foster home studies and required letters of reference from other people rather than family, which is all that kith and kin required. They had policies that were tried and tested and had been learned.

My hope is that the introduction of an independent representative for children and youth will be able to do more than analyze the causes of a child's injury or death, that we'll be able to actually monitor the provision of services. But will that person, that individual,

that body be able to look at the overall management of the ministry? Will that person be able to say, if 23 percent of your program has to be cut, that is inappropriate? What will happen when a government bent on cutting 23 percent of a program, causing children to be at risk, is met with silence?

Kith and kin was introduced at a time when there were few members on this side of the House. It was introduced at a time when there was not a lot of public scrutiny. You would never get away with that kind of legislation now, without proper guidelines having been introduced, without training. A fundamental aspect of child protection is how you deal with a child once you realize they are unable to live in their home. That's fundamental. It's as fundamental to a police officer as their power of arrest, and I'm not comparing those particular roles, but it's as fundamental to their job. Imagine, if you will, police officers across the province being faxed instructions on how you're allowed to arrest people now without any training, without any sort of indication that this change was coming.

I was in a meeting — I remember it clearly — in 2002 in the summer with directors of first nations child welfare providers and directors of agencies that are on reserve, ostensibly the group of people to whom this legislation was aimed — ostensibly. We didn't know it was being introduced. We hadn't seen guidelines. It was for us, apparently. To me it was a symbol of pathetic management, and I don't mean personally on the part of the individuals opposite, but the management of that entire program would not have met the muster of any objective reviewer.

[S. Hammell in the chair.]

My concern is that this representative have the autonomy, have the voice, to actually speak to changes that the government is intending, beyond simply legislative changes. If you're talking about removing 23 percent of a ministry's budget, I'm hoping that the representative, as an independent body reporting to the Legislature, will be able to say: "I'm sorry. That is untenable." This is a system whose sole mandate is to ensure that the most vulnerable children in our province — a very small number of children — are protected in situations where their safety is in danger. A 23-percent cut.

[1700]

We weren't wasting money in the ministry before when we gave $25 for a Christmas present to a child. We weren't wasting money in the ministry when we provided programs for foster parents so their children could get into some program. That was not a waste of money; it was not superfluous; it wasn't extra. The money that was being used in the ministry was to provide care to children who were unable to live in the home into which they were born.

I can say that from the perspective of social workers, they need to have the ability to react to any situation that they're faced with. I admire social workers. I'm no longer a social worker. I took a less stressful job. I think it's recognized by many members of this House that, in fact, child protection social work is one of the most challenging occupations. I think the entire House agrees that we owe them a debt of gratitude.

We're here now with some good legislation — part of good legislation. I'm hoping to be able to get into some details in terms of the sections and in terms of the jurisdiction of the child and youth representative. It's a cautionary note that the findings of the initial child death review need to be kept in mind. The findings of the coroner's office: we need to be reminded of those, as well as of the child and youth officer and of Judge Hughes. We need to think of those as we peruse this legislation before us.

If I may end on another, more positive, note. I think what would serve us all very well, when we've come together in a collaborative manner to look at the child welfare system, is to realize that we're talking about situations after they've become problematic. I know that the minister opposite knows that what we really should be working on is prevention. I think there's no doubt that we have the ability to identify what works and what doesn't work in child protection.

I will say, with a degree of…. I'm not going to say pride. I was pleased to be able to offer services in a first nations child welfare agency where the number of removals was below three in an eight-year period. I'll say that the reason for that is because I had at my availability, working under the funding of the federal government with provincial legislation, to offer voluntary care agreements.

Most often when families are in crisis, it's a temporary situation. If we can resolve the temporary situation and provide support to the family in order to reunite the family, that should be our goal. I would further say that first nations child welfare agencies need to have different tools at their availability than social workers in the rest of the province. I'm not saying what they have to be.

There are some pilot projects at the Stó:lô Nation, and there are some excellent programs in the Hazelton area. I think that we can learn from those. We need to be flexible. I don't believe it serves us any good to say that there is one way of doing child protection for the entire province, so I'm hoping that some latitude can be built into the system. That would be one of my goals.

What we've done with the development of this legislation is taken some of the pressure off government. The fact of the matter is that every one of those reports pointed to a significant problem in terms of funding, overall funding. Child death reviews, as one of the three main functions of this representative for children and youth, is an important function, and it's a function that we need to see for what it is. It should not become a blame mechanism.

I believe that's one of the problems we face, and it's a problem that we experience here in the House. There always seems to be a right and a wrong, a good and bad, or a blame or no blame. I think if we get beyond that….

What we had was a situation where government cuts were expected, ministers were rewarded finan-

cially for meeting the budget targets, and that resulted in bad legislation being implemented, because it resulted in cuts to the budget. Quite frankly, every other tool was available; it was just cheaper.

[1705]

Unfortunately, there were cuts in regulations as well. Those are clear, and those are stated in every single report. I don't think there's a lot of controversy over that information. So if, in fact, this independent overseer of the child welfare system will be able to comment publicly or comment at least to the legislative committee, I believe we're making the right steps, and I'm pleased to see that.

In committee stage, as a bit of a preview for the minister…. I believe this side of the House is feeling positive about this first step and desperately wants to be part of the process to strengthen this system. It has taken up a lot of this session; it has taken up a lot of our emotional energy. I'm hoping on a personal level that it'll provide a little bit of closure. I believe that the family in this scenario, in this whole event in 2002, feels that the government is responding to concerns that they have felt tragically and on a personal level. Social workers will be reassured by this legislation, if it doesn't become a peering-over-the-shoulder and a blame-based system.

Anytime we have an opportunity to improve a system, anytime we have an opportunity to work with the government to improve a system because of the expertise that this side of the House may bring with it, I think it is a good thing for the people of British Columbia. It's a good thing for the children of British Columbia, in particular the children of British Columbia who are the most vulnerable.

I would close on the note that unless we address the economic imbalance that exists in this province, unless we address the social imbalance that exists in this province, the problems that we're talking about today will be perpetuated not just till next year or the next five years or the next 15 or 25 years. We'll be dealing with these problems then if we don't get to the root of the problems now. With that, Madam Speaker, I conclude my remarks.

C. James: Thank you, Madam Speaker, for the opportunity in this House to stand and speak to such an important bill. I'd like to take a few minutes to actually begin by talking about how important this bill is and to talk a little bit about why we're here. I think that context is important for all of us. It's certainly important to look at our history when we take a look at a critical bill such as this.

As I said when this issue came forward and we saw the report come forward by the Hon. Ted Hughes, the report that was tabled by Ted Hughes was in fact a victory for children. It was a victory for children in this province, and it was a victory for those voices that have been speaking out for the last five years.

The government has heard us over the last year talk a lot about an independent children's commission and the importance of an independent voice on behalf of children. I want to take just a moment to talk about how important that is. Often we heard a lot of people on the other side say that the independence wasn't critical, that those issues weren't necessarily important, that things were being looked after, things were being taken care of. So I think it's important to take a moment just to look at why an independent voice is critical and what role it plays in the care for children at risk.

[1710]

The first important factor in looking at an independent voice is accountability. Accountability is critical. The issue of looking after children at risk, the issue of the Ministry of Children and Families, is a very complex issue. It's a very challenging issue. It's a very challenging field to work in. We all know that, and it's always going to be challenging.

One of the keys to building support for children and families at risk and building support for the Ministry of Children and Families is making sure that the system is believed by the public and that there is trust in the system, particularly by children and families who are at risk, by children and families who have to access that system. The issue of trust is critical, and in order to build that trust, accountability is a key.

Another area that's important to remember always is that we're talking about some of the most vulnerable people in our entire province. We're asking them in many cases to put their trust in government to look after the most precious resource there is, which is their children. That's the reason it is critical to have independence there.

The other reason it is important to have that independence is that it's always important to learn from mistakes. Sadly, in the area of children and families, we know that tragedies occur when you are dealing with the most at-risk families. Because of that, government has a responsibility to learn from those tragedies and those mistakes so that we can do everything we can to prevent those kinds of things from ever occurring again. That's another important reason we need an independent office to deal with this most critical area.

The last reason — and we've heard this a lot from the other side — that it's important to have an independent office is to make sure the deaths of children aren't politicized. That's a goal for everyone in this province. No one wants to play politics with children and families at risk. No one wants to look at children's deaths.

I have often said I look forward to the day when we don't have to raise those questions in this Legislature, because those issues are being dealt with properly, because the right thing is being done, because we don't have to worry about bringing an issue forward and making it in the headlines to actually get government to do something. It will be done because it is the right thing to do.

That's the other reason it's so critical to have an independent office. That's also the reason it was so disturbing to see one of the first acts of this government being to cut the independent Children's Commission. In fact, there were some lessons learned when the

independent Children's Commission was put in place. There were some very important lessons that were learned. There was a reason that the independent Children's Commission was put in place.

Those lessons were learned ten years ago, and those lessons were learned because of the tragic death of a child in our province. Everyone on both sides of this House put politics aside, stood together and said it was critical to make something positive — a lasting legacy — on behalf of that child who had died in our province. That lasting legacy was an independent Children's Commission to make sure those kinds of tragedies were prevented wherever it was possible.

We heard the current Premier, who was then opposition leader, stand up and wholeheartedly support the Children's Commission. Not only did he support the independent Children's Commission, he also supported putting more resources into the area of support for children and families at risk.

It was an area where lessons were learned, and that's why it came as such a shock to everyone out in the communities when we saw not only the elimination of the Children's Commission but cuts to child protection services. No one spoke out to say they were going to do that when they were elected government. No one said they were going to reverse the support they had in the Legislature for children at risk and do the opposite thing and cut the Children's Commission.

Let's take a look at some other decisions that were made. I'm not going to spend a lot of time going into detail about the direction of this government, because it has been out there, but I think there are a couple of important pieces to raise here. The first one, as I said, is budget reductions, and this is an area where everyone would agree there are challenges.

[1715]

Everyone would agree, as I mentioned earlier, on the kinds of difficulties people face who work in this field. It's a very, very challenging field. To see the government come in and make cuts and reduce the budget for this area was not only a complete abandonment of commitments made but an abandonment of the children and families at risk in our province.

The second piece that the government moved on was a reorganization. The government was looking at the issue of regionalization for services to children and families for both aboriginal and non-aboriginal communities. I support regionalization. I've been very clear about that. I support the direction of regionalization. I support the direction of communities having a say about how services are provided for their children.

As I said earlier, children are our most precious resource, and communities should have a say, particularly the aboriginal communities. If you take a look at the number of children in care in our province who are aboriginal, the numbers should be shameful to all of us.

The government embarked on a regionalization process and asked aboriginal communities to come to the table and get involved, to trust that the government was going to actually move forward on regionalization. Those aboriginal communities have been asked many times by many governments of many different political stripes to come to a table to have discussions to improve things for children and families.

I think aboriginal communities in our province are probably the most patient people in the entire world, because they've been asked many, many times, and there hasn't been follow-through. Yet they keep coming to the table because they want to improve the lives of children and families in their communities.

They came to the table around regionalization, and what they saw was a government without a plan, without a direction, without a path to go, asking communities to take on a huge responsibility without the resources to do it properly. It saddens me, because I worked with many of those communities and saw the critical need and the hope in those communities for the right thing to be done. Once again they trusted in government, and they were let down. I think that's something we should all be ashamed of.

One of the real tragedies of the government in the five years they've been in power is the fact that we didn't need to be here today debating this bill. We could have been in this House for the last year talking about how to improve services for children and families instead of how to put back the pieces that have been taken apart for the last five years.

There were lessons that were already learned. Those lessons were ignored. The structures that were put in place because of those lessons were taken apart, and it's children and families who suffered under all of this.

It's not as though voices didn't speak out. Social workers are amazing people who work in the field of children and families. They're extraordinary people who have very, very difficult jobs each and every day, who spoke out to this government, who tried to have their voices heard. Social workers, aboriginal communities, and children and families themselves spoke out. Social service agencies spoke out. Communities spoke out to say that the cuts were too deep, that the government was reorganizing without a plan in place.

Those warning signs, over and over and over again, were completely ignored by this government. As a result, this province failed the most vulnerable children. If we take a look at all the duties we have as members of this House, one of the most important duties we have is to protect the most vulnerable in our province, to remember there are voices that aren't always heard.

[1720]

As MLAs, regardless of politics, we each get comments and calls each and every day in our work. We get those calls in our community office. We get them here at the Legislature. We get groups coming to visit us. We have people lobbying and pushing for issues each and every day.

But there's a responsibility we all have as MLAs that we must never, ever forget, and that is that there are voices that are not heard. There are people who don't have the ability to come and lobby us each and

every day. There are people who are struggling to get by each and every day, who are struggling to manage each and every day. And we have a very serious responsibility as legislators to remember those voices in our work.

That's why we stood up as opposition, that's why we continued to push the government, and that's why we're so proud to stand here in support of Bill 34. I'm glad to see this legislation come forward. I'm glad to see the government finally moving. But it is with a bit of sadness that I stand here because, as I said, we could have been spending a year's energy putting it into better supports for children and families, putting it into improving the system, putting it into moving regionalization along in the right direction.

If I take a look at both my life and the work that I've done in my life…. I grew up in a house with foster children. My grandparents had foster kids when I was growing up — over 40 foster children. I know what it was like on a personal level to grow up with those children and to make them part of the community and part of our family. I also saw the resources and the connections that needed to be made by community, by government, by families and how important it was to have the supports there to make it work for the families where those children were.

I continued on when I had my own children and was a foster parent for over 20 years and again saw the challenges faced by many of the families whose children were in care, by many of the children and adults I cared for who wanted to be part of the community and the supports that were needed to make that happen.

I see Bill 34 as a start, as simply one piece to the work that needs to be done, as simply one part that has to happen to make sure this House shows the respect that people deserve to the most vulnerable in our province, that we make sure the supports are in place, that those people truly are part of the community, that there isn't a difference — that there are connections made for foster children, for families to be able to care for their own children.

If we look at the statistics right now in British Columbia around child poverty, again, the fact that British Columbia is number one across this country when it comes to child poverty is something we should all be ashamed of. It's something we all need to pay attention to.

So while I stand in support of this bill, and I'm glad the government has finally acknowledged that what they took apart was wrong and that it needed to be put back together, I hope this is simply the first step in providing the services and supports necessary for children and families at risk in this province, for aboriginal families and, most importantly, for providing the supports to everyone, so we can ensure families are able to stay together. Thank you for the privilege of speaking to this bill.

[1725]

S. Simpson: I'm pleased to be able to rise today to speak to this piece of legislation, Bill 34. As we know, this is a very important piece of legislation. It's important for a whole number of reasons, and many of them have been enunciated by our leader and by previous speakers.

It's a piece of legislation that puts back in place some of the pieces that have been taken away and hopefully will put us back on track to begin to resolve some of the real challenges that children are facing.

This is important, hon. Speaker, for my constituency of Vancouver-Hastings. I represent a constituency that has a significant number of children and families that live in poverty. I come from a constituency where there are many health challenges for families, a constituency where we do have a number of families where there has been violence and where there are difficult times. There are a significant number of children who live in Vancouver-Hastings, who are affected by the work of child protection and who need those services.

Many of the previous speakers have talked about the need to protect our kids, and we'd all agree with that. All 79 members of this House — there is no doubt — believe that protection of our children is a priority, is critical and is something that we need to engage. We would also, hopefully, all agree that we need to create more opportunities for our children — and for our most vulnerable children and for poor kids — to be able to grow up and have lives where they see opportunities, they can realize those opportunities, and they can move on and enjoy successful lives as they grow older.

I believe Bill 34 will be an important step in taking us down the road to that, as well, as we put in place this representative who will be able to, hopefully, help make sure government is accountable and doing the work that needs to be done to put children first. But we really need to ask ourselves: how did we get here? How did we get to this point in time, to this place where we have this piece of legislation having to come forward?

Well, how we got here really is about deep cuts and broken promises. It is about cuts. We know that the government had originally, in 2003, proposed upwards of a 23-percent cut in the Ministry of Children and Families. That was rolled back after huge pressure from the community and public outrage at the size of that cut. We do know the government rolled that cut back.

We know the cut still was devastating in terms of the services that we need to provide. I think the cut was particularly surprising for people who had listened to the Premier when he was campaigning and when he was Leader of the Opposition. In 1996 we heard the Premier say: "One thing we should all do is put the care, support and protection of children at the top of our priority list." In February of 2000 the Premier, then the opposition leader, said: "Providing support that families seek is a critical investment."

The Premier was right when he made those comments then, as opposition leader. Unfortunately, the actions that we saw after he became Premier didn't reflect those comments. When the Premier — prior to 2001 when he promised to invest in children — said

that he would make children the number-one priority and devote adequate resources and that we needed to stop the endless bureaucratic restructuring that has drained resources from children and family services, the Premier was right. But his actions didn't reflect that after he became government.

We saw over 700 child death reviews that were not properly done. We saw that staff, who do a great job, were stretched far too thin to be able to do the work they needed to do. All of this we saw because of cuts that could not be overcome.

Well, after the work of the opposition here, of community groups and of families of children who were lost — families like the Charlie family — we did get Ted Hughes. We got Ted Hughes's investigation, and we got Ted Hughes's report. What Ted Hughes did, after a very exhaustive analysis, was tell us that the cuts were too deep. He told us, too, that the transition the government had put on the table had failed. He told us that the Premier was wrong in his claim that the cuts did not hurt children and did not play a fundamental role in creating the problems that we face.

[1730]

What Mr. Hughes said in response to the Premier's continual claims that the budget cuts had nothing to do with the failings of the systems…. Ted Hughes in response to that couldn't have been much clearer when he said: "I cannot agree with the Premier's earlier assessment that budget cuts did not contribute to the failure of the transition process or that the transition provisions of the new act constituted a clear plan for the transfer of the death review function." That's what Mr. Hughes said about the Premier's claims that the cuts didn't hurt.

Mr. Hughes also told us that the Premier had taken the knife too far after they were elected in 2001 and must now restabilize the system that has more than 9,000 children under its care. It was Mr. Hughes, not this opposition, who told us that this government went too far.

We do now have a chance to undo some of the damage, and this legislation will go some way in helping to do that. The creation of the independent commissioner that this government denied the need for only last fall and said this was not necessary…. They're doing it now that Mr. Hughes has called for it. I congratulate the government for having a second thought about this. It is needed; it is essential. We said that for months. The government denied that. The government has accepted that now with Mr. Hughes's recommendation.

[Mr. Speaker in the chair.]

The creation of the legislative committee. It will be able to work with that commissioner. It's something that we on this side said was necessary and the government denied the need for. Well, the government has changed its mind on that too, and that's a good thing.

After what occurred through last fall, we also saw the government put some of the money back — $400-plus million over three years to begin to restore some of the services that had been cut in the ministry. That's a good thing. Hopefully, that money will be enough to do the trick. Time will tell, but it's good that there's some money being put back into the system.

I do believe we're making progress here. I do believe this is a step in the right direction, and I look forward to discussing this further when we get into committee stage. But the thing is, as others have said — and they're right — there is more to do. This is simply the first step.

There's more to do, especially for the poor in our communities. We need to understand that the challenges many people face in our communities are very, very difficult. When we talk about poor kids, we're talking about poor families. Children don't get poor on their own; they come from poor families.

We know, based on Statistics Canada, that the 2003 B.C. rate of poverty showed that almost 24 percent of children lived in poverty — almost one in four children. The important contrast there is to contrast that with the national poverty rate, which was about 17½ percent at the same time. That's part of the contrast. How come, in this province that's doing so well — where the government tells us continually, and rightly so, that the economy is booming — our child poverty rate runs so far ahead of the national rate?

That number, a percentage, translates into more than 200,000 children in British Columbia living in poverty. It shows families living in poverty in this province at over 10 percent — 10.3 percent. Again, when we contrast that with the national average, it reflects a national average of about 7.8 percent. Of course, as we all know, aboriginal children have a poverty rate that is just about twice what it is for the non-aboriginal communities.

[1735]

The way that reflects, again, is we know that about 24,000 children in B.C. use the food bank. These are difficult numbers, and they're numbers that nobody here in this House can feel very good about. They're numbers that we need to address, and we need to begin to move forward. We need to do more, to do a better job in terms of meeting the needs of our most vulnerable and meeting the needs of our poor. We need to give these children and families more support and more opportunities.

Some of this is about money. We know that the welfare rates in this province are too low. We need to figure out how we deal with those rates. We have to figure out ways of creating additional incentives for families who are on welfare to be able to move off — whether those are incentives or allowing greater exemptions and fewer clawbacks on earnings — so that they have better opportunities to move on, to get off welfare, to get into work.

We need to look at how we provide the shelter allowances for families. Particularly, we provide a shelter allowance across the province that is one-size-fits-all, and we know that housing issues aren't one-size-fits-all in British Columbia. There are very different challenges, depending on where you live, to find reasonable, safe accommodation. We need to deal with that.

We need to make sure that people can have a safe and secure place to live. In a province doing as well as we are, in a society as prosperous as we are, there is no excuse for people not having a reasonable place to live and enough food to eat without having to go to the food bank.

It's also about services from government and from community. There are many wonderful community organizations out there that provide essential services to our most vulnerable citizens. Many of those organizations struggle. They struggle with their funding, and they struggle with having the resources necessary to deliver those services in an effective way to the people of British Columbia who require those services.

We need to do more to help those organizations be able to deliver the services that they do, because they provide an important service for us as a society. Many of those are services that at one time, maybe, were delivered by government. Now they're delivered in the community. That's great, but we need to ensure that those community organizations have the support, and that's a piece of building onto what's in Bill 34.

Bill 34 is a very good step, but there is more to do. We need to address these other issues. We need to address these issues like poverty. We need to address these issues like poor kids and poor families. We need to move on and make sure, as the government has committed to doing, that we implement not just these recommendations but the rest of the Hughes recommendations. I'm confident that the government has committed to do that, and I'm sure that we will see those proposals and those plans coming forward in the coming months.

Let's ensure that we do one thing as this all moves forward. Let's ensure that we don't forget how we got here, that we don't forget the challenges and many of the tragedies that brought us to this place today and to this discussion. If we resolve to not forget and to always remind ourselves, when we're feeling a little bit smug about how well we're doing, that there are many out there who aren't doing as well and that there are many whom we have an obligation, first and foremost, to support and to assist, then maybe what's gone on over the past number of months will have had some real value to get us to the place where we are today.

On that note, I will look forward to voting for this bill on second reading, and I will look forward to the discussion in committee stage.

D. Thorne: I rise with my colleagues in support of Bill 34, which I do believe, as has been stated several times this afternoon, is a step in the right direction. I am very pleased personally that we are finally moving in this direction.

[1740]

I have to say that I'm very proud to be part of the official opposition that has pushed this issue until we got Mr. Hughes involved, and he came forward and basically supported the contention that had been made by the official opposition. I commend the government, as well, for moving forward with the Hughes report and for starting this. I think that they should be commended for.… I was going to say, "for seeing the error of their ways," but I'm not sure that they would agree with that.

I wanted to speak a little bit tonight about a slightly different focus. My own personal involvement in this was as a councillor in the city of Coquitlam. In 2003 the Ministry of Children and Families set up a community table in my community in order to try to help the community deal with the reorganization within the Ministry of Children and Families, the financial cuts and the loss of the children's commissioner. Everything was happening at the same time. I don't know that…. I'm going to use the words "chaos in the community." It may be a little strong, but it sums up how it felt to me as a city councillor, because I was asked to come and represent council at the community table.

For the first time since I had been.… I've worked in community social services most of my life, plus I had been on council for nine years, and I had never seen community agencies approaching councils, desperate for funding. The kind of disorganization and disarray that we were feeling in the community…. It was because of this that this community table was set up.

We dealt with the reorganization. Regional boards were set up across the province. We had one, of course, in the Fraser Valley that we worked with, and we also worked with community agencies. We also, over a year, did a full community consultation with everybody in the community — individuals, schools, community agencies, whatever. We did our very best to deal with these cuts, but it became obvious very, very quickly to those of us who were involved at that level — we were the leaders in the community, basically, and had been living and working in this community for many, many years — that nothing we could do could cope with the kind of cuts and problems that we were seeing in the community.

I came into the Legislature with this kind of background. Now I feel like I've come full circle, and I'm very pleased to be able to stand here today and support, basically, the reinstatement of the children's officer. I guess it's going to have a different name, but I see it as being, essentially, an independent position, and I'm very pleased to see it. I think the committee is also an excellent step forward.

I'm not going to talk for too long, but I just wanted to talk about a couple of families in my community that over the past few years, on a more personal level than my own more public involvement, have had many issues with the Ministry of Children and Families. They have not had anywhere to go, because we didn't have the office of the children's commissioner — an office that would advocate for families and children who were having problems — with the foster care system, in particular.

With one family that I can think of, this is either the fourth or fifth year, I guess, that they have not seen resolution of their problems. They have had to go through quite a rigorous and emotionally disruptive system where they ended up at the Privacy Commis-

sioner, trying to get the release of some papers that might have solved their problem. Had the commissioner's office been there, things would have gone much more smoothly, because this would have come under the purview of the office.

Now the Privacy Commissioner has ruled in their favour. So after four or five years of disruption and emotional turmoil for the family, not to mention the child, finally there's going to be some resolution. None of this would have happened, probably, had the last four or five years not gone the way they have in this particular ministry.

[1745]

I can only say I agree with my colleague who spoke a few minutes ago. I think it's very distressing that for the second year in a row British Columbia has the second-highest poverty rate for children. I think these are the kinds of statistics…. We have a growing homeless problem. We're not building social housing for families like we were prior to a few years ago. B.C. Housing's mandate has changed; they're just dealing more with seniors. The waiting list for families in British Columbia has gone from 10,000 to 13,000 since the days that I sat on the GVRD housing commission for seven years. That's very distressing.

When we take all those things into consideration, one can only be very, very relieved that we're moving down this road, and the sooner, the better. I hope this government will bring in the rest of the 62 recommendations that Mr. Hughes made very, very quickly. I hope the committee is set up, I hope we hire the officer, and I hope we get cracking on the rest of the recommendations. I will put my full support behind this right now and into the future.

Hon. C. Richmond: I think this would be a good time for us to take our dinner break, so we shall recess until 6:45.

Mr. Speaker: The House is in recess until 6:45.

The House recessed from 5:47 p.m. to 6:45 p.m.

Hon. S. Hagen: It's an honour for me to continue the debate on second reading of Bill 34.

When I was appointed Minister of Children and Family Development about a year and a half ago, it was the start down a road unlike any I had travelled before in government. While it's certainly seen its tough times, it's also been extremely rewarding. I want everyone to know that I am deeply honoured to be the Minister of Children and Family Development, and I'm honoured to be working with a fine group of people in the ministry, over 4,000 people right from the front lines to head office. It's a pleasure to work with them.

The introduction of Bill 34 is one of those rewards. For me and the ministry it represents the height of the first leg of an extremely important journey for the ministry and all the people it serves. I want to say, off the top, that I appreciate that the member for Vancouver-Kingsway and the Leader of the Opposition and others have said they're going to support this bill, because it is an important bill and an important issue.

I agree with the member for Vancouver-Kingsway that it is an important issue, which is why I asked Ted Hughes to do what he did. I do want to take issue with the opening comments of the member for Vancouver-Kingsway. His opening comments were: "…a debate where we need politics."

When I go back to the Hughes report and then my discussions with the hon. Ted Hughes — I know the member for Vancouver-Kingsway also had personal discussions with the Hon. Ted Hughes — certainly, one thing the Hon. Ted Hughes said to me was that we need to get politics out of this. I was interested to hear the Leader of the Official Opposition say the same thing: this is not a place for politics.

I think the Leader of the Opposition actually understands why, and I want to compliment her for that. When you inject politics into these sorts of issues, it generates a type of disrespect to the people involved — to the child, to the family, to the community, and in the case of the Nuu-chah-nulth, to the Nuu-chah-nulth community. I think it's important for us as legislators to show respect for all people who are affected by these sorts of things that we have to deal with in this ministry.

The other thing I wanted to take issue with was the statement made by the member for Vancouver-Kingsway, who claimed that we gagged foster parents. I take issue with that, because I think he is referring to the legislation enacted in 2002 to the effect that ensures that everyone, including media, would not have the ability to release information that would publicly identify a child in care.

Now, this isn't to suggest that people can't criticize the ministry or the government, but they cannot publicly identify a child known to the ministry. As I'm sure the member opposite knows, this has always been the case. This is the same way it was under the NDP; you couldn't identify a child in care. The reason for this, of course, comes back to the respect issue — the respect for the child, for the family and for the community.

Where I agree with the member for Vancouver-Kingsway is that we have employees who care, and I think we acknowledge that. We recognize that, and we agree on that. Yes, there are challenges in doing that job every day, but they do the job because they care. When I asked front-line workers, "Why do you do the job you do?" the answer is usually: "Because we care about people." So I do agree with my critic on that.

I also agree where he said we have to make children a priority. I totally agree with that. If you think back to February when the budget came out, Mr. Speaker, it was a children's budget. In that budget was $421 million in new dollars for children, and $273 million of that went to the Ministry of Children and Families. Now, $100 million was set aside to implement the recommendations of the Hughes report.

[1850]

As a result of that, we also said that we were going to hire 400 new workers — social workers and other

workers — in the ministry. A week ago Saturday the ministry ran ads in several newspapers across Canada advertising for 100 new social worker positions. Now, this is the first time in recent memory that people can remember the ministry advertising for additional social workers. The good news is that as of Monday, which is a week later, we've had 200 expressions of interest for those positions. We've had 60 applications filed, and of those 60 applications, 13 are from aboriginal people. That's heartwarming to me. It's good news. We will continue to advertise this as a three-year program, and we will continue to advertise for new workers.

I don't want to get too picky, but there were some of the members who stood up and talked about 23-percent cuts in the ministry, and everybody knows that isn't the number. I think the number is 12 percent or 13 percent. Not that that isn't significant, because it is, but we should be factual in what we talk about.

We have to put that in context, because one of the reasons I got back into politics was that I saw what had happened to the province. In 1991, when I left politics, British Columbia was number one in economic growth in the country. Five or six years later we had slid to tenth position. Two years after that we were proclaimed a have-not province by the federal government.

I know the opposition gets tired of hearing this, but I do want to take the opportunity to put on the record some information in a publication called the *Canadian Economic Observer*, the May 2006 issue. It's published by Statistics Canada, so it's not a publication of the Liberal Party of B.C. It refers to *The 1990s: A Lost Decade* and says: "After leading Canada's economic growth from 1984 to 1990, B.C. fell behind in the 1990s." That was reflected by a real GDP growth of only 2.9 percent per year from 1990 to 2001, down a full point from the previous period. It talks about housing starts. We've talked about the shortage of housing. In the 1990s residential construction fell nearly 25 percent. Housing starts tumbled from 38,000 units to 17,000 units.

When we became government in 2001, we had some tough decisions to make. Hindsight is 20-20. You can always go back and say, "Well, should we have done this?" or, "Shouldn't we have done that?" or: "Should we have done something different?" I get that, because I've been around politics for a while. There probably were things that we could have done better and could have done differently, but I wanted to put it into context.

I also want to put on the record…. I know that the NDP wants to take credit for this bill. You know, there is lots of credit to go around. I've never been one that has wanted…. I don't really care who gets the credit, as long as we get it done.

Several of the members opposite kept on talking about: "We're returning to the children's commissioner." Well, you know what? We're not. I think that's showing a bit of disrespect to the Hon. Ted Hughes. If you read his report, you will know. You can see that he spent a lot of time trying to come up with the best possible position or office that he could. I think he has. To say that this is going back to the Children's Commission just isn't right. It's just not right.

If you look at one major difference, the former children's commissioner was appointed by OIC. The new representative of children and youth that my hon. friend the Attorney General is speaking to in his bill is actually appointed by the Legislature. That's a big difference. It's a good difference; it's the way it should be. But I want to give credit to the Hon. Ted Hughes for what he has packaged up here in what we're doing.

[1855]

I think what he also refers to is that the reason…. He refers to the dissolution of the commissioner's office. He talks about things like…. Mr. Hughes agrees the old model didn't work. In his report he says: "that the commission's tribunal process became adversarial and legalistic in nature and tended to escalate conflict rather than resolve it."

The old commission made nearly 900 recommendations in just over five years, most of which were directed at the Minister of Children and Family Development. Mr. Hughes found that ministry staff felt bombarded by recommendations and criticism, and he heard: "that the situation had reached a point where the ability of the ministry to do its work most effectively was being compromised." He didn't want to go back there. He concludes: "By the end of its life, the commission's recommendations carried less weight than they might have, had its death review function been more focused."

As we know, the new representative will have the mandate to support, advise and advocate for children and youth, monitor performance and accountability of child welfare and review child deaths and critical injuries of children involved in the child welfare system.

The other issue that I want to take up is the issue raised by the member for Powell River–Sunshine Coast. I believe the member for Powell River–Sunshine Coast was a social worker before he got elected. I may be wrong, but I think he was a social worker. So I would think that he would know…. He sort of blamed kith-and-kin legislation on us. I think the insinuation was that we forced this legislation through the House when there was a small majority — as effective as that majority was, I might say; it was very effective. The kith-and-kin legislation was actually passed by the NDP government. It wasn't proclaimed by them, but it was passed by them.

Something else I want to say about kith and kin. The insinuation by the member was that it was just family. Well, it's not just for family. It includes close friends within the community. It's about keeping children in their own communities and in touch with their culture. I might add that recent statistics show that kith and kin has an 81-percent success rate over the past three years in returning children to their homes.

The other insinuation made by the member for Powell River–Sunshine Coast was that voluntary care agents are gone. Well, I can tell the member and the people of B.C. that there have been no provincial policy directions stopping the use of voluntary care agents. They are still available. Kith and kin is voluntary. But it does not replace those agreements.

Going back to how we appointed the Hon. Ted Hughes. As the members know, it was last November

when I asked the Hon. Ted Hughes to provide an independent assessment of system-related issues on child fatality reviews, advocacy, public reporting and accountability. These were tough questions, and Mr. Hughes provided some tough answers and recommendations. We accepted responsibility the day he made the report public. Just days later we confirmed government will act on all of the recommendations.

This brings us to where we are today. Less than six weeks have passed since the delivery of the B.C. Children and Youth Review, and here we are in second reading of the legislation that creates the representative for children and youth. The recommendation of the review was that legislation be introduced in the fall of 2006. When the review was delivered I said that while I felt the time frame outlined by the Hon. Ted Hughes was reasonable, we would definitely move quicker where we could, and we have.

To get us here today took an extraordinary amount of work by many dedicated staff of the Ministry of Children and Family Development, the Auditor General's office and other staff in government. It was only by their commitment and perseverance that this bill is being debated this spring. I know many staff put in too many long nights and weekends to get this done, and for that I thank each and every one of them.

Bill 34 establishes the authority of the Legislative Assembly to appoint a new representative for children and youth. The bill sets out the role, functions, duties and powers with respect to deliverable services, advocacy reviews and investigations.

[1900]

Bill 34 also sets out that in recruiting a deputy, the new representative must consider the skills, qualifications and experience of the person, including that person's understanding or involvement in the lives of aboriginal children and their families in British Columbia. I believe this to be one of the key components to the spirit of the bill.

Further to Mr. Hughes's recommendations, we are continuing down the path towards aboriginal governance in child and youth family services. This was raised by the member for Skeena and also to some extent by the Leader of the Opposition, who insinuated that the government was slowing this down. I can say categorically, and I know that my critic knows this, it's not the government that has slowed it down. At the JAMC meeting we had prior to the last one that I just had a couple of weeks ago, I was asked by the leadership if we could slow down the process. We're not stopping the process, but what we're going to do is use the time for consultation in communities, because that's very, very important. I think by the time we're ready to go on this, probably in the spring, everybody is going to be more comfortable with it. As we travel down that path together, it's critical to have the unique understanding that only aboriginal people can bring to the issues affecting their children and communities.

Bill 34 is forward-looking and constructive. It provides the legal framework to focus on continual improvement in our protection of children. It is a swift and thorough fulfilment of government's commitment to provide the best system of support for our children and youth.

This is a historic time for the Ministry of Children and Family Development. Not only do we have a thoughtful and balanced recommendation from the B.C. Children and Youth Review, we also have the resources to act on the recommended improvements, and that budget is endorsed by the reviewer's author, the Hon. Ted Hughes.

In conclusion, Bill 34 brings us closer to where we want and need to be as a society that values and protects its children and youth. This act is one of the first steps, as many members of the opposition have referred to, that we're taking as we move to do better with the resources and dedicated people we have available to us.

From the start, I have endorsed Mr. Hughes's call for the spirit of cooperation among legislators. It is in that spirit that I call upon all members of this House to do what's best for our children and youth, and that is to support Bill 34. It is only by working together that we will be able to move forward in their best interests.

J. Kwan: I rise to speak to Bill 34. As I listened to the debate and to the Minister of Children and Family Development, he began by saying that he wasn't going to be political and how important it was for us to work on this file in a non-political fashion. Then, of course, as soon as those words left his lips, he immediately began to be very political in his statements and comments.

[S. Hammell in the chair.]

I actually challenge some of those comments and statements, because I was here in this Legislature in 2001 when this government began to cut enormous amounts of services that were needed by British Columbians. You'll recall that prior to 2001, the then Leader of the Opposition, the now Premier, promised to invest in our children. He said:

> Make children the number-one priority and devote adequate resources to them. Stop the endless bureaucratic restructuring that has drained resources from children and family services. Enhance training, resources and authority for front-line social workers to properly protect children at risk and improve services to families. Put real accountability in the system and devote resources to the job needed. Put the interests of kids first.

That's what he said prior to 2001.

After the election in 2001, what did the government do? What did this Premier do? What did this Minister of Children and Family Development do? They began to cut programs and dismantle the child protection system for children in British Columbia. They did anything but ensure that there were adequate resources devoted for children in need and families in need in this province.

[1905]

This government began to eliminate internal child protection audits, changed the child welfare legislation, and in fact changed the welfare legislation that actually

hurt children by eliminating child maintenance as an exempted revenue, if you will, an exempted income, for single parents. That's what this government did.

The government cut 11 percent of the Children and Family Development budget when they first took office. They were going to cut 23 percent had it not been for the community that was so upset and so concerned with the proposed cuts that the government backed down to 11 percent. The Minister of Children and Family Development would have you believe that those cuts were necessary, and I've heard pretty well every member from the government bench defend those cuts, including the current Minister of Finance, as though somehow that is justifiable. It is not, because those cuts hurt the most vulnerable people.

Madam Speaker, you'll recall that the Premier said that he was going to prioritize children after the 2001 election. Where have we heard that before? We heard it before in the government's first term. If you review the record…. And the record is too long for me to go on today around all of the cuts that this government has undertaken that hurt children.

We heard again, in this current budget that's just been tabled in February by the current Minister of Finance, that it was a children's budget. But boy, we have seen that record play before.

Let's just review for a moment what the statistics are around children in British Columbia today. British Columbia had the highest child poverty rate of any province in 2003. According to the latest figures from Stats Canada, the 2003 B.C. rate was 23.9 percent. That's nearly one in every four children who is living in poverty — well above the national poverty rate of 17.6 percent. This happened under this Liberal government's administration, under this Premier's watch, under this Minister of Children and Family Development's watch. The estimated number of poor children in B.C. in 2003 was 201,000. It was the second year in a row that B.C. had the highest child poverty rate in Canada under this government's watch.

If everything is going so well and if the government is taking care of business and if, in fact, they have prioritized children as their number-one agenda item to take care of, how could it be that the child poverty rate for B.C. has actually gone up, and not down? How could it be that we actually have the worst rate in all of Canada today?

In 2004 another StatsCan report showed that British Columbia had the highest level of families living in poverty: 10.3 percent versus the national average of 7.8 percent. It's not a number that anybody should be proud of, particularly from the government side and particularly from the Premier, who said that his first priority was to take care of the most vulnerable.

[1910]

In my riding of Vancouver–Mount Pleasant I have the honour of representing this wonderful riding of people that are strong in spirit, that are fighters, really, in spite of the challenges they face.

I also have the distinction of representing one of the poorest neighbourhoods in all of Canada. When the government made the cuts in these programs, they hurt my constituents. Let's be clear. When the government eliminated the children's commissioner, some of the children in my riding and their families were impacted because of the lack of work from that commissioner's office.

The minister talked about the kith-and-kin agreement. Let me just be clear. It's true that the kith-and-kin agreement was brought forward by the NDP. It was never proclaimed. Why? Because there needed to be a proper process to implement it. You need to make sure that the staff and workers are trained to ensure that it is appropriately put in place.

The problems that came from the kith-and-kin agreements under this government were that they never did the work to ensure that the process was properly done. They rushed it, and as a result, problems arose.

I find it fascinating that the members on the government side talk as though they've always supported children and youth advocacy, representation, and always supported a children's commissioner. Well, they did when they were in opposition, but as soon as they took office, they began to take away those positions that were so critically needed in the system.

It wasn't until all the tragic events took place — too many deaths that went uninvestigated, too many deaths of children that were left in boxes in a warehouse, too many families that suffered without getting answers — that the pressure was brought to bear, and the government finally had to call for some nine reviews or investigations to deal with these issues. It wasn't until the Hon. Ted Hughes came forward with a report that forced the government to bring this bill before us, to bring forward a new independent representative for children and youth to advocate on behalf of children, to investigate the deaths of children in the care of the ministry.

I firmly believe that had the pressure not been brought to bear by the opposition, by the critic, by the community, the government never would have acted. I really believe that, because I've seen what this government has done since 2001 and the cuts that they made. At every turn — albeit there were only two opposition members on this side — when we protested and spoke against it, the government brought down the hammer to shut us down in debate and actually rammed through all the changes. That's exactly what this government did.

Please spare me when the minister says that they really, really care about children from the point of view of wanting to make sure that these programs were in place. They didn't care in 2001. They cut those programs. It was the result of tragedy that brought about action.

[1915]

I have to say that the government, of course, also gave away a huge tax break after the 2001 election — by the then Finance Minister Gary Collins. In fact, he's on the public record saying that he hadn't even looked at the books before he put forward a tax cut. He had no idea what the books looked like, but he proceeded with that anyway. Consequently and subsequently, he brought forward a number of budgets that inflicted tremendous damage on many people in the community.

I recall it just like it was yesterday, because it was known as Black Thursday, the day in which the hammer came down and the announcement came down with all of the program cuts. We sat with disbelief listening to those cuts, and amongst those cuts were the cuts from the Ministry of Children and Family Development.

I would ask the members from the government side, I would ask the Premier, I would ask the Minister of Children and Family Development to honestly reflect on their record since 2001, to honestly reflect on their words and what they said prior to 2001. The record will show the truth and the facts in the brutal cuts and the actions of the Liberal government and the Premier during that time. We now, since that time, have been able to identify some of the problems that arose as a result.

I can't help but say this. I picked up this document off their website. It's called: *One Year Later: Real Results for British Columbians*. You know what this document is? It's a document produced by the B.C. Liberal government caucus that talks about all the great things that they've done. In it, I turned to the page around children, and it says: "Created a new independent representative for children and youth to advocate on behalf of children and families." They put this down as an accomplishment.

Now, it's true that Bill 34 is actually bringing that forward. But I wonder why this document doesn't say that the government, after they took office, eliminated the Children's Commission in 2002. The government talks as though this is a new revelation. All the government is doing is trying to restore some of the damage that they had brought upon the system in their first term.

I know that the members from the government side may not like to hear this. But I say it again: look at the entire record of what the Liberal government has done and how that has impacted the many families and many children in our community, and be honest in that process. If the government manages to do that effectively, then I think we have an opportunity to make real progress.

I think that if the Premier can find it in his heart and have the courage to say to British Columbians and to apologize to them for what he's done…. The Ted Hughes report puts the blame squarely on the Premier around these issues. If he can find it in his heart to have the courage to apologize to British Columbians and the families who have suffered as a result, then perhaps we can really move forward.

I do hope that the members opposite, the government side, the executive council, will examine these issues in their fullest light, in a complete light and not just in a myopic, partisan way.

[1920]

Hon. W. Oppal: Well, I was hoping that this debate would not become political. Regrettably, that has not been the case. I appreciate that the opposition is supporting the bill. Unfortunately, we've heard a reiteration of what we've heard in the past few months — none of it particularly original and none of it particularly helpful.

We know that mistakes were made; we know that. We've acknowledged that mistakes were made, but you know, the mistakes and the neglect didn't begin with the new government that came in, in 2001. The neglect was there well before this. Those of us who work in the criminal justice system and the civil justice system know that. This is a very difficult area, the whole area of caring for children who are vulnerable, children who come from disadvantaged backgrounds and children who are born of poverty.

[Mr. Speaker in the chair.]

I was a lawyer and a judge for over 30 years, and I saw these problems come forth in courtrooms. I heard social workers come in and testify in courtrooms in the '80s and in the '90s, and they testified as to a lack of any kind of support from governments. I particularly remember a week that I did in the Supreme Court in Prince Rupert. I sat there and presided over a number of sexual assault cases. Every victim was an aboriginal child. When the police and the social workers testified, they all spoke of the horrible conditions and the poverty in which these children grew up. They all spoke of the lack of any resources and the lack of any help coming from the government.

That was in the 1990s. I have some regret when I hear the political rhetoric taking place in this chamber, how everything went downhill in 2001. "Everything was nirvana until 2001. Then the cuts came, and that's when disaster descended upon us." Well, anybody who's been in the criminal justice system knows that's just not accurate. That's just not true. The facts and the evidence state otherwise. I was there; I saw victims come into courtrooms and testify as to the horrible conditions under which they were living in the 1990s. I saw social workers who said they were burned-out, so this is not a new problem.

You know, we keep hearing of the Children's Commission, how everything went downhill after the Children's Commission was eliminated. Well, Mr. Hughes was not exactly praising the Children's Commission. He said it would not be wise to revert to the commission, to that system as it existed in the 1990s. He said that it was overly legalistic and that it tended to escalate rather than resolve conflict.

Again, those of us who were in the court system at the time knew that. The Children's Commission, while it was a wonderful concept at its inception, deteriorated during its latter years. It became repetitive and cumbersome, it tended to do work that was being done by other agencies, and it became expensive and lengthy. It was not at all efficient, and it did not address the needs and the cares of the vulnerable children.

In any event, I just want to say that we have to move forward. We have to recognize that children are our most precious resource and deserve the best possible care. We must direct our attention and our resources towards those children amongst us who are most vulnerable.

I move second reading of Bill 34.

[1925-1930]

Second reading of Bill 34 approved unanimously on a division. [See *Votes and Proceedings*.]

Hon. W. Oppal: I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting after today.

Bill 34, Representative for Children and Youth Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. M. de Jong: I call committee stage of Bill 27.

[1935]

Committee of the Whole House

TENANCY STATUTES
AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 27; S. Hammell in the chair.

On section 1.

D. Routley: Section 1 refers to, among other things, the power of the director, repeals the definitions of "arbitrator" and "arbitration" and places the functions of arbitrators and arbitration under the auspices of the director or any appointee the director should make. Could the minister explain to me the rationale for abolishing the role of the arbitrator?

Hon. R. Coleman: The reference to arbitrators is removed from the act because we're putting in the position of director, who is being appointed under section 8, and who will have the powers to hire the arbitrators. So the director will now hire arbitrators, who will become public service staff, and those staff will be given the delegated responsibility to do arbitrations.

D. Routley: That, with respect, is obvious from reading the act. That's a simple explanation of arbitrators and where their role might go, where the function that they carry out might be placed, and that would be under the director if this bill is passed as it reads. But making the arbitrators, who have been arm's-length and seen, rightly so, as unbiased and unchallengeable in their independence from government and independence from either party in a tenancy dispute….

The role of an arbitrator is crucial to the successful continuation of our administrative justice system. Making arbitrators public servants creates a master-servant relationship between the arbitrator and the potential party in a dispute, being the agency of government and the agency of the ministry in B.C. Housing.

[1940]

How can the minister take this act, which clearly will limit the independence of the arbitrators, which will create a master-servant relationship between government and arbitrators and which will quite clearly be an undermining of the independence and unbiased expectations people have of administrative tribunals…?

Hon. R. Coleman: Just before I go any further, to my left is Susan Walker, the senior policy and legislation analyst with the Ministry of Forests and Range and Ministry Responsible for Housing, residential tenancy branch, and to my right is the infamous Lori Wanamaker, the associate deputy minister responsible for all things Housing in British Columbia.

There are different models for statutory decision-making within government. The current model is one, which is the arbitrator outside of government, and the proposed model is another. Both models actually operate effectively within government today. There are many statutory decision-makers that are public service employees.

The decisions made by these employees — like liquor, gaming…. They must be in accordance with administrative law principles, including procedural fairness, natural justice, etc. There's no difference from what is required by the current appointment system for residential tenancy arbitrators.

In both cases, the final arbiter is the courts. All decisions are subject to judicial review and accountable in that respect. In many decisions, the statutory decision-maker, regardless of whether an employee or an appointee, is required to follow the statutes and the regulations. If the decision-maker does not, then the decision can be overturned by the court.

D. Routley: It's quite clear that up until now, arbitrators have been appointed on a merit-based appointment system and that they have been independent of control by government. They have been able to adjudicate tenancy issues between tenants and landlords, particularly in the case of public housing, without interference from government.

This act brings those arbitrators under the control of government, under the employment of government and under the direction of government. It would, in fact, provide for their removal in the middle of a hearing if, perhaps, the ministry isn't happy with the progress or the decisions being made.

Again, to the minister: it's clear that an arbitrator, if employed by one side of a dispute, can be challenged, that the legitimacy of the process and the legitimacy of the decisions reached can be challenged if the arbitrator has a master-servant, employer-employee relationship with one side of that dispute. How does the minister anticipate that the challenge to the legitimacy of the decisions can be avoided if this act is supported?

Hon. R. Coleman: Surely the member is not suggesting that those people that are employed under the public service, that are presently doing statutory hearings on other regimes like liquor and gaming, that are employed by government, would have a bias on the statutory decision-making that they've been making.

These particular people are being hired under the merit process invoked by the Public Service Act. Under section 61 of the RTA today, the director already has the power to replace an arbitrator in mid-case, for example, if the arbitrator is unable to complete the hearing due to illness.

The challenge we face is that the RTO receives about 18,000 applications a year. The current appointment of arbitrators, where appointed arbitrators work part-time, set their own hours…. This system doesn't give the RTO the flexibility it needs to manage the fluctuations in workload and to meet the time limits required by legislation. Appointed arbitrators are paid even if their hearing is cancelled or takes less time than expected, and they cannot be redeployed to other RTO matters, so there's complete inflexibility in the present system.

A system of full-time staff should result in more efficient processing of disputes and meeting time limits established in legislation. There will be more flexibility to manage the fluctuation in workload, and current arbitrators will have the choice of continuing their duties under contract with the RTO or applying for staff positions, so there's a transition for the folks that are already there.

[1945]

The benefit of this is that it doesn't matter who…. First of all, these people are operating under the provisions of an act. They're not landlords. Government's not the landlord. This is a landlord and tenancy arrangement. They're the arbitrator within an act. They're given certain responsibilities. They have to follow the law, and if they don't follow the law, there is a provision to go to the courts.

D. Routley: We aren't here today discussing decisions made under any other act but the tenancy act. We are here to discuss arbitrators and the arbitration process and dispute resolution under the tenancy act. And under the tenancy act it has been practised, developed over many years of extensive case-law development, that arbitrators are separate from government, that arbitrators are at an arm's length from government.

How can a tenant in a public housing environment possibly expect that fair judgment can be reached when the arbitrators are appointed by government, can be removed by government at any point before or during an arbitration or a dispute resolution and would, in fact, be subservient to the minister, and the minister would then have the power at his discretion or the director would have the power at his or her discretion to remove arbitrators at any point?

Arbitration and tribunal administrative law require independence. They require an unbiased arbitration. How can that possibly be achieved if the minister can, in a sense, fire arbitrators who he disagrees with?

Hon. R. Coleman: First of all, to the member, the arbitrators that are there today are paid for by government. They're hired by government. They're under contract. All this changes is that the director now appoints the arbitrators and they're employees of government and they're delegated statutory powers that they're supposed to be responsible for under the law.

The only thing about the member's comments that bothers me is that he would put on the record that he thinks that a minister would step in and change a statutory decision by an arbitrator in a dispute. That would be tantamount to a minister stepping in and saying, "I'm going to interfere with the employee of government that is doing the hearing on a liquor licence," or it would say that a minister of government would step in and interfere in the statutory decision of somebody that was given the decision-making power on a hearing with regards to gaming.

We don't do that. We've learned over history that we don't do that. That's why they're delegated the powers by the director under the law, and they are required to perform their job according to that law. They are required to do it impartially and fairly as arbitrators, whether they be employed by government inside or contracted on the outside.

[1950]

But to run this branch properly — and we've got, all through government, where this works — it's better to have them in. As a matter of fact, even a lot of arbitrators have said they're looking forward, frankly, to having the stability of this in their job with government.

I'll just review back over that. When they work part-time and they set their own hours and there's no flexibility because they set their hours and you can't move workload in and out — even though somebody doesn't show up for a hearing, you can't move them off to another hearing — that's a pretty inflexible operation.

I don't think it's the intent of the member to question that the people who we would hire and, given their responsibilities…. As far as I understand, when you're put in these positions, you take oaths, you follow the law and all of those things. That you would think we would go in and influence a decision of an arbitration…. I mean, we don't do it now, and we won't be doing it in the future.

D. Routley: In the submission that I received from the Canadian Bar Association of British Columbia — in its introduction on page 5 — they state: "Impartiality is one of the foundations of the rule of law. It is imperative that the executive branch of government does not usurp judicial powers. Since the arbitrators currently enjoy a form of impartiality by virtue of their appointment for fixed terms, as opposed to tenure at pleasure, the administrative law section proposes that the current fixed-term appointment structure be maintained." While I recognize the difficulties the minister may experience in scheduling arbitrators and in moving them from one case to another, I do not believe — and I would beg the minister to correct me — that this measure is necessary to achieve those efficiencies.

This measure, in fact, brings arbitrators away from being independent adjudicators of tenancy agreements between, potentially, the government and tenants and places them under the Public Service Act, and thereby

it undermines their impartiality because, of course, they must report to government. They must report to the director, and the director must report to the minister. So whether or not they are adjudicating arbitrations or reviewing policy, if they are employees of government, there is a master-servant relationship. There is an expectation of performance. The term and the appointment of the arbitrator are put at risk, thereby putting at risk the impartiality of the decision-making.

Minister, please correct me if I'm wrong.

Hon. R. Coleman: In my opinion, the member has an opinion that is influenced by the Canadian Bar Association. Mine is influenced by legislative drafting and by whether this can work within the Residential Tenancy Act in a proper way.

Legislative drafters, by the way, are also lawyers. So is the legal branch of the Attorney General. Sometimes the Canadian Bar Association doesn't agree — surprise, surprise — with everything that they see coming forward. There are all kinds of interests in and around these things. Sometimes government probably — and members opposite, individually — actually may have looked at a judge's decision the odd time and thought, "Gee, I didn't like that," but they didn't go and fire the judge, either, because they have independence.

Now, government is not a party to a dispute between a landlord and a tenant. They have no vested interest in the outcome of the disputes. Government's mandate is to protect the public interest by ensuring that the law is followed and that there's a timely, efficient means to resolve these disputes between parties.

First of all, member, this isn't the courts. This is an arbitration. This is an opportunity to solve it without having to be in the courts. Basically, it's how we do a number of things within government with regards to other disputes, and our employees do it very well because they're given the authority and the impartiality to do their job. They're not interfered with because they've got the protection of the law.

The amendments don't change the legislated mandate of the RTO to make decisions in accordance with the law. There are provisions about independence of decision-makers which are currently in place and are not being amended. So the independence of the arbitrator, which is in the legislation now, is still there. They're still independent to make their decisions.

[1955]

The director can only refuse to accept an application under limited circumstances, which are established already in the legislation and exist. The director has no discretion to accept or refuse an application, except as set out in the legislation. So there's nothing that says we have some special relationship here as government or that says: "Well, just because the arbitrators are appointed and are operating under the law, we're operating differently."

The legislation requires that decisions about dispute resolution be made on the basis of the law, the policy guidelines and the merits of the case as disclosed by the evidence presented. A decision is final and binding.

The director has no authority to change, vary, alter or interfere with a decision made through the dispute resolution process — just like today. There's no provision that allows the director to initiate a review of the decision. Only a party to the dispute may apply for review of the decision and on limited grounds: if a party was unable to attend the hearing due to matters beyond their control, if new evidence was available that was not available for the original hearing or evidence that the decision was obtained by fraud.

A landlord or a tenant may apply to the Supreme Court of B.C. for judicial review of a decision under the Judicial Review Procedure Act. There is no provision that allows the director to apply for a judicial review, so the director hasn't the ability to go and apply for a review of a decision. Only a justice of the Supreme Court of British Columbia can review a decision based on an error in law, bias or procedural fairness.

I think it's very clear that by bringing the arbitrators in, by appointment by the director as members of the public service, we are not affecting the fairness of the process.

D. Routley: The minister referred to decisions made by judges, and whether I, other legislators or the general public may agree with the decisions or not, that's true. People often have great difficulty accepting judgments that are made. The fact is that legislators do not move to limit the power and independence of judges based on whether they like or dislike a result. Just think of the rancour that would ensue if this House were to attempt to make appointed judges into employees under the Public Service Act.

In the perfect world and in the administration of this minister, who obviously is a minister of great integrity, while those circumstances exist, perhaps there wouldn't be interference. Perhaps arbitrators as employees of government would be able to function independently. But legislation is meant to accommodate all circumstances, not just a circumstance where we have an upstanding and honest minister who is not going to politically interfere with decision-making, as this minister assures us he won't and as I trust that he won't.

Legislation is meant to protect the interests of all parties that it affects under all circumstances, and making arbitrators into employees definitely makes them subservient to their employer in many ways. It undermines their independence and undermines their ability to act without interference.

Judicial tribunals have sweeping powers that have been established over many decades of legal challenge. This act would sweep away all of that collective experience and, basically, put at risk that impartiality that is so crucial to the proper functioning of our judicial system. Administrative tribunals offer an affordable and accessible alternative to the courts. Their impartiality and their ability to make decisions without interference cannot be interfered with without interfering with the functioning of the overall effectiveness of our justice system. It is an affront to our arbitrators.

The minister referred to arbitrators being contented by the change. Well, I've received a letter from an arbitrator who is resigning over this issue. We've heard from several arbitrators who are very unhappy. The British Columbia Council of Administrative Tribunals is outraged by this change.

[2000]

It's clear to me, anyway, that if I work for someone, I report to them. If I work for someone, I am responsible to them. And it's clear to most British Columbians, I would think, who perhaps aren't as well versed in administrative law as the minister might be. Most British Columbians will perceive this measure — taking arbitrators and making them employees — as an undermining of their independence.

How can ordinary British Columbians accept that decisions are fair when one party is paying the wage, is dictating the terms of employment and is able to fire the arbitrator? It is contrary to a natural sense of justice, and it may be unconstitutional. Can the minister explain to the average British Columbian how an arbitrator can be independent, when he must report to the director and when the director is a party in the dispute?

Hon. R. Coleman: First of all, the director is not a party to the dispute. An arbitrator could actually be removed today. They could have their contract cancelled by government.

I just checked with my staff. We have had no letters of resignation from any arbitrators. You may have one that says he or she is resigning, but we have no letters of resignation from any arbitrators. I want that so that people are clear about it, so we're not confusing it. The letter may say they're thinking of resigning or going to resign. That's one thing, but as for saying that they've resigned, we've received nothing.

Let's try and take a step back here for a second. In the Ministry of Revenue we have people that hear tax appeals. They are given independent authority to make quasi-judicial decisions on tax appeals to government. Their decisions are final. They're not independent arbitrators. They're employees of the public service. They are given their powers by law, and they are in a dispute resolution process.

We have people in gaming and liquor that I know of that do the same thing. We have people that do hearings within our prison system that do the same thing. All of them are professional public servants who perform those duties independently.

Let's focus on the decision-making side of this thing. It doesn't matter to me, frankly, and I don't think it makes a difference in the mind of the public as to who's paying the arbitrator and how. What they want to know is that the arbitrator is operating within legislation that requires the decisions about the dispute resolution to be made on the basis of law, the policy guidelines and the merits of the case as disclosed by the evidence presented. They want to know that the decision is unbiased, final and binding.

The director has no authority — the director, remember…. This is the employer that the member is so concerned is going to influence the arbitrators that work for government and that the director appoints. The director has no authority under the law to change, vary, alter or interfere with a decision made through the dispute resolution process. All the other provisions that allow for review and initiation of review are there in the act today and will be there tomorrow. The decision here is to bring the arbitrators in under the director, who will then hire them. Then they are given their duties under the law.

[2005]

I must say to the member that there are thousands of decisions made every day in British Columbia by professional public servants who are paid for by government under statutory authority to make decisions in administrative law procedures. This is no different. This is something that is overdue. It is something that should have been done a long time ago in order that the branch can actually manage its business on behalf of the client base it serves.

I appreciate the nice comments about the integrity of the sitting minister, Madam Chair. The minister is not mentioned in the act. The minister has no authority in the act. The minister can't tell the director what to do.

This is a piece of legislation that gives authority to a director to give authority to people. It requires them to make decisions about dispute resolution on the basis of law, policy guidelines and the merits of the case as disclosed in evidence presented, exactly as it is today. The only difference is that today arbitrators are appointed on contract, and when we have done the regulation of this act, the director will hire those very people who want to remain, those who may want to continue as public servants, and give them the same powers delegated under the law to do the job that they should do.

D. Routley: It is clear that the director reports to the minister. And if the director hires as employees those folks who were arbitrators and now makes them employees of the director and then the director delegates the authority of the director to those employees, those employees and the director are reporting to government. They are employees of government. They are owing to government for their employment, and government can remove that privilege.

It is clear in this act that the director can remove an arbitrator in midstream and that the director could take over a case in midstream. In fact, the act sets up political interference from government. This act, as written, undermines the independence of the arbitrator — in fact, eliminates the definition of arbitrator and calls them merely an appointee or a delegate of the director.

This makes them subservient to the ministry. This undermines their independence and the effectiveness of their decision-making. This undermines administrative law in British Columbia. How can the minister say that a step away from the independence of arbitrators is a good thing and then justify that by referring to less independent circumstances elsewhere in government? We're here to discuss arbitrators under the tenancy act,

and clearly, this bill undermines their independence. How can the minister square that circle?

Hon. R. Coleman: I will try this again. It doesn't undermine their independence. They are given the power to do their jobs under the law, just like arbitrators are today. An arbitrator today has to follow the Residential Tenancy Act and what they have to base their evidentiary processes on and their decisions on, just like they do today.

We have people that are professional public servants all through government who are doing these kinds of roles where the legislation requires that decisions about dispute resolution be made on the basis of the law, the policy guidelines and the merits of the case as disclosed in the evidence presented. I haven't heard anybody complain to me about their independence and their ability to do their job under those other acts.

[2010]

One thing more for the member: the director reports to the associate deputy minister, not to the minister. So to say that I can fire the director and that I can go in and influence the director…. I mean this is a piece of administrative law. We are bound by those laws. The people making those decisions are bound by those laws, whether they be an arbitrator that is appointed inside or outside of government. They still have to conduct themselves and their procedures according to the law, according to the legislation that requires how they do their decisions about dispute resolution and that it be made on the basis of law, the policy guidelines and the evidence presented.

I am concerned about only one part of this debate. That is where the member moves down the line to intimate that a professional public servant cannot perform this function when in many areas of government, they do just that. Their independence is protected by the law.

D. Routley: I've received a submission from the B.C. Council of Administrative Tribunals, and they have great concern over the appointment of public servants, pointing out that this bill will give wide discretion to the director to appoint a public servant or any person to exercise a director's power.

They also point out that experience has shown that unconstrained appointment powers are frequently abused. Just two years ago the merit appointment provisions of the Administrative Tribunals Act were enacted to prevent these abuses. They also go on to point out that granting the director these powers may give rise to a practice of improper interference with decision-making after an adjudicator has been assigned to conduct an arbitration. They also point out that the amendments grant the director the power to remove a case from an adjudicator after it has been assigned and to impose terms and conditions on any appointment. The potential for abuse of power inherent in these provisions is manifest.

Those are the words of the B.C. Council of Administrative Tribunals — arbitrators, who point out that in fact, the potential for abuse of power inherent in these provisions is manifest. Does the minister suggest that the arbitrators organization, the B.C. Council of Administrative Tribunals, is wrong? Are they misguided in interpreting this act as providing the potential for an abuse of power?

Obviously, public servants do great work throughout this province in many different areas of government. I'm not challenging those employees by standing here. What I am challenging is the steps of this government to eliminate the independence of arbitrators under the Residential Tenancy Act and make them employees of government. That will undermine their independence.

Can the minister explain to me and to the B.C. Council of Administrative Tribunals how this act will accommodate and protect participants in that process from this identified potential for abuse of power?

Hon. R. Coleman: The answer to that organization is this: the employees will be hired under the merit process invoked by the Public Service Act. Contractors retained by the director will also be subject to a merit-based process. Statutory decision-makers are required to act in accordance with the law, regardless of whether they are appointed or not. This is built into the law.

All decisions, including those with the Crown as a party, are subject to court review. On a judicial review, the court may look at the reasonableness of the decision and determine whether or not the decision should be referred back or upheld, or substitute its own decision. This association has an opinion. By its membership makeup, it may have a bias.

[2015]

I can accept that, but I can't accept the fact that they think that the people who are being served by arbitrators appointed by a director who have to, under statutory decision-making processes are required to act in accordance with the law whether they're appointed or not, whether their argument holds any water…. The fact of the matter is that these people are required to act in accordance with the law regardless of how they're appointed or hired, and this is built into the law.

Again, to the member: there are members of the public service that perform these types of functions under the law throughout government under other legislation, and they do it professionally and are not being compromised in their decision-making power. And neither will the people here. As I said earlier, the director is not going to be influencing what they do because they are actually following the rules that are built into the law.

Therefore, the only difference is that they're now employees of the public service. I don't think the Public Service Alliance or the B.C. Government Employees Union have written me saying: "Please don't do this because we don't want more people working for the public service in similar jobs being done under other statutes within government." I'm sure they would tell you that they believe that their members within the public service, when they're statutory decision-makers

who are acting in accordance with the law regardless of whether appointed or not, are not compromised, that they do as good a job as any other person who is hearing evidentiary information on a decision-making process that's built into a law. I have every confidence that the people we hire will do just that.

D. Routley: This member does not have, and I don't think anyone in this House has as their purpose the impugning of the integrity of public servants. What I am attempting to do is to ensure that the process that is described by this legislation protects the independence of decision-making and protects the impartiality of those who are making those decisions and thereby protects the interests of the parties. In fact, this bill does undermine that independence.

Another piece from the council of tribunals. Perhaps the minister in his comments has impugned this organization and the bar association and their bias. This document was written by the Council of Administrative Tribunals in an effort to protect the gains that have been made over many decades in administrative law in British Columbia.

They go on to say that it has long been recognized that the impartiality of a decision-maker who is institutionally aligned with one of the parties will be open to question. The existing legislation was amended only two years ago on January 1, 2004, to recognize this very concern and to enhance administrative justice through section 86(5), which explicitly states that an arbitrator is not an employee of government.

In fact, on October 7, 2003, then-Attorney General Geoff Plant spoke in the House and specifically recognized the resolution of landlord-tenant disputes as one of the fundamental subjects of British Columbia's administrative justice system. Mr. Plant said:

> Like courts, administrative tribunals resolve disputes of vital importance to the people who participate in their proceedings. Administrative tribunals act as an affordable alternative to courts. They are intended to be less formal, less costly and more accessible. The administrative tribunals that are part of our system of justice in British Columbia help resolve disputes between employees and employers, tenants and landlords, citizens and their government — to name but a few. Administrative tribunals have developed, over time, specialized expertise in a variety of important areas of public policy: human rights, environmental protection, labour relations, job safety, social welfare, economic regulation and much, much more. In short, they are an essential part of our system of justice and our system of government.

[2020]

> To properly fulfil their essential role in our system of civil justice, administrative tribunals must have qualified decision-makers who are free to make fair and impartial decisions. Administrative tribunals must also be given the legislative tools they require to operate efficiently and responsibly. The bill that is before the House today addresses these requirements. Let me speak first in somewhat more detail about the issues of appointments, reappointments and the principle of merit. Tribunals must have qualified decision-makers chosen for their skills, abilities and expertise. In some tribunals, decision-makers must be highly specialized and experienced in technical matters. In others, decision-makers need to represent the community and reflect our common societal values. In every case, the public must have confidence the tribunal members are properly qualified and have the requisite level of expertise to make the decisions that we expect them to make.
>
> We must have strong, independent administrative tribunals whose members are and must remain at arm's length from the government. Independence is a critically important value. At the same time, the administrative justice system as a whole must operate efficiently and must be accountable for its use of scarce public resources and tax dollars. The task is to strike the right balance between these interrelated and yet sometimes competing concepts of independence in decision-making and public accountability to the wider community. I believe we have accomplished this in the bill that is before the House today.

Madam Chair, the former Attorney General, Mr. Plant, is referring to exactly these circumstances. Mr. Plant referred to the independence, the arm's-length relationship. He didn't refer to the master-servant relationship that would be created by making the adjudicators of tenancy disputes employees of government. They are owing and subservient to one side of the dispute, particularly when that dispute involves B.C. Housing–managed properties.

It's clear that Mr. Plant, the British Columbia Council of Administrative Tribunals and the Canadian Bar Association, British Columbia have identified for the minister a weakness in this legislation — a weakness in that the minister's legislation challenges the independence of the arbitrators and thereby challenges public confidence in the decisions they reach.

The minister should somewhere in the act properly describe the independence required of arbitrators and adjudicators. Can the minister show me anywhere in this act where that protection is offered and where protection of public confidence in the process is offered by taking administrators from their independent role and making them employees?

Hon. R. Coleman: There are many different models for statutory decision-making. The current model on the Residential Tenancy Act is one, and the proposed model is another. Both models operate effectively within government. Both models, just so the member knows…. If a B.C. Housing dispute comes, it will be handled no differently either way — where it is today and where it is tomorrow. They're required, as statutory decision-makers, to act in accordance with the law regardless of whether they're appointed or not.

[2025]

I'll repeat that. Statutory decision-makers are required to act in accordance with the law regardless of whether they're appointed or not. This is built into the law. It's built into the law today, and it will be built into the law tomorrow. All decisions, including those where the Crown is a party, are subject to a court review today and tomorrow — either way. On a judicial review the court would look at the reasonableness of the decision and determine whether or not the decision should be referred back or upheld, or it would substitute its own decision.

Now, I know the operation of B.C. Housing pretty well — their management processes and the processes they do when they deal with tenancies — and I think they've got a pretty good track record with their tenants. To try and think that because we would appoint the arbitrators by a director within government or have them appointed by government outside government…. It really shouldn't be a concern of the member with regard to the reasonableness and fairness argument with regards to how tenants will be treated when they come before an arbitrator.

The legislation requires that decisions about dispute resolution be made on the basis of the law, the policy guidelines and the merits of the case as disclosed by the evidence presented. The decision is final and binding, and the director has no authority to change, vary, alter or interfere with a decision made through the dispute resolution process.

In addition to that, there are tenancy agreements that outline the relationship between landlord and tenant today. There's one on the Internet that's automatic if there isn't one entered into by a landlord and tenant. That was never in place before a few years ago. The evolution of the relationship between landlords and tenants is something that has been an ongoing process and project of various governments over generations.

The arbitration process. As I understand it, the only dispute the member has with the legislation is that he thinks there's a master-servant relationship with the arbitrators when the act is changed and that there's no master-servant relationship under the act as it exists. I would submit to the member that giving a person statutory authority under the law that requires them to perform a function under the guidelines of the law, which are statutory in authority, creates no master-servant relationship in either model, because they are given the legal responsibility to conduct the job and the arbitration that comes before them.

They are to render their decision based on the evidence, the merit of the case and the law that is before them, taking into account that the dispute resolution process is made on the basis of law, the policy guidelines and the merit of the case as disclosed by the evidence presented. That's how it is today.

The difference is that the director will appoint the arbitrator, who is now an employee in government, and give them statutory authority to handle the dispute resolution and do it on the basis of law. They get a case today; they're given powers to do dispute resolution that they make on the basis of law. They're going to be hired on merit in both cases. They're hired on merit and qualifications, and they have to have the qualifications to do the job.

I think we'll find that there may be a difference of opinion between the member and me with regards to which model it is, but the fact of the matter is that the different models we're talking about already operate effectively within government.

D. Routley: The minister made a statement earlier that it's just like today, that everything will be handled just like it is today. But today arbitrators are independent. Today arbitrators are arbitrators. Tomorrow, if this bill passes, things won't be like they are today. Those who adjudicate tenancy disputes will not be as independent as they are today as arbitrators.

[2030]

Is the minister aware of the Supreme Court hearing recently in the Vancouver registry, number L051335? It is McKenzie v. Minister of Public Safety and Solicitor General et al. It is suggested by the British Columbia Council of Administrative Tribunals that this act, if passed, will undermine the potential decision of that court. Did the ministry take into consideration, in drafting this legislation, the fact that that Supreme Court case, with decision being reserved for the past four months, is still pending?

Hon. R. Coleman: I have learned something very early on as a statutory decision-maker and a member of executive council. That is, I don't comment on anything that is before the courts. The decision could be pending, and that would mean it is before the courts, hon. member. It would be totally inappropriate for me to make any comment or get into a discussion with regards to the merits of a case and any decision that may come out of it with regards to the courts in British Columbia.

But I want to be clear so we're clear here. When I say it is the same today as it is tomorrow…. That is, arbitrations are going to be run on the same measure of evidence, policy, merit, etc., with regards to a decision, and the decision of the arbitrator will be final and binding, just as it is today.

The legislation requires that. I know I'm starting to sound repetitive, hon. Chair, but this is the only answer I can give. The legislation requires that decisions about dispute resolution be made on the basis of the law, the policy guidelines and merits of the case as disclosed in the evidence presented. The decision is final and binding.

If there was an arbitration under the present system today, the legislation requires that decisions about the dispute resolution be made on the basis of the law, the policy guidelines and the merits of the case as disclosed by the evidence presented. The decision is final and binding.

Tomorrow, or the day the legislation comes into effect and the arbitrator makes the decision, they will also be required by legislation to make that decision about dispute resolution to be made on the basis of law, the policy guidelines and the merits of the case as disclosed by the evidence presented, and the decision will be final and binding.

The only discussion we seem to have going here is that the member seems to think an arbitrator out here is better than an arbitrator in here — when both are bound by the same law, the same level of independence and the same statutory authority.

I know the member says that one is now an employee, and therefore you will influence their decisions versus another. I say to the hon. member that within government today, there are many — and I do mean

many — other models like this for statutory decision-making that are working, continue to work and will continue to work in the future. Both models can operate effectively for government. We've chosen this model for this operation of this portion of government.

[2035]

D. Routley: Yes, the arbitrator over here is bound by the law, and the arbitrator inside the ministry is bound by the law. But the trouble is that the arbitrator inside the ministry as an employee is also bound by their relationship to the employer, and the employer is often a party to the disputes that the adjudicators are being asked to judge.

It's clear to me, in my simple mind as an average, ordinary British Columbian, that an arbitrator who is an employee of government is less independent than an arbitrator who is independent, who is a member of the British Columbia Council of Administrative Tribunals and who does not report to government as an employer. That is my concern.

The Council of Administrative Tribunals concludes by saying that they believe that "if Bill 27 is passed in its present form, it will undermine recent improvements in the administrative justice system pertaining to the independent and impartial adjudication of residential tenancy and manufactured home park disputes" — their words, not mine. They're eminently more qualified than I am to judge the legal merit of the decision to bring arbitrators under the wing of government, and I would suggest that they're more qualified than the minister himself in judging that.

I would also suggest that the minister ought to be receptive and open to these criticisms of this legislation and accept that this bill, as passed, will undermine the independence of and the recent improvements that have been made to the administrative justice system of British Columbia. Therefore, I would ask the minister to withdraw this section of the bill.

In order to do that, I would propose this amendment to the bill.

[***1** Section 1 of the Manufactured Home Park Tenancy Act, S.B.C. 2002, c. 77, is amended*

(a) by repealing the definitions of* "arbitration", "arbitrator"** ***and* "director"** ***and substituting the following:

"director" means the director appointed under section 8 *[appointment of director]* ~~and, in relation to a power, duty or function of the director given to an employee referred to in section 9 (2) or delegated to a person retained under that section, includes that employee or person;~~ **,** ***and***

(b) by adding the following definitions:

"application for dispute resolution" means an application to the director under section 51 (1) *[determining disputes]*;

"dispute resolution proceeding" means a proceeding started by making an application under section 51 (1) *[determining disputes]*;.]

On the amendment.

D. Routley: The minister has suggested that these concerns around arbitration are my only concerns with the legislation. In fact, I have many other concerns with the legislation, which we will have ample time to canvass, but this concern is over this section of the act. This section of the act clearly undermines the independence of arbitrators and clearly challenges public confidence in the adjudication of tenancy disputes in British Columbia. This part of the act must be removed and amended.

I hope the minister will support this amendment so that we can move forward with the rest of the legislation and have a productive ending to this exchange. I think the minister owes it to British Columbians and their confidence in the administrative justice system, to the British Columbia Council of Administrative Tribunals and to the B.C. Bar Association to be responsive to their concerns, to acknowledge them as legitimate and to cover their concerns with legislation that protects the interests of impartiality and independence of adjudicators.

Hon. R. Coleman: I'm not sure this would even change the costing of my operation, which would actually put this out of order, but we won't be supporting this amendment. I can be clear about that. I will say, because I think we've canvassed it very clearly, that it does not do what the member purports it to do — in taking away the ability for arbitrations to take place or that they would be independent or that the people should have confidence in the process, because I think they can.

[2040]

Actually, I have opinions with regard to the whole notion that — in one managed area of government where an administrative tribunal process works, internal to government, with people employed by government — somebody should decide: "But you're not allowed to apply it over there, even though it works over there."

We know it works. We know it can be done independently. We know that the legislation protects the dispute resolution process. We know that it's protected by the law. We know the decision is final and binding. We know that this will work better for the people we serve, and we will not be supporting the amendment.

D. Routley: The ministry has identified targets: to move the tenancy population for target groups in social housing — the frail elderly, the disabled, the homeless — from 82 percent up to 86 or 87 percent. Presumably, there would be those who would no longer qualify and those who might be evicted.

If the minister's goals for his ministry are attained, then the tenants of public housing in British Columbia should be worried by this act, which will undermine the independence of those who will be called upon to adjudicate their dispute with government. This act will create a situation where those adjudicators will now be employees of the ministry who has decided to revoke or end their tenancy. How can anyone accept that that

is impartial? How can anyone accept that that is not open to abuse?

It has been clearly laid out in the submissions from the Bar Association, in the submissions from the British Columbia Council of Administrative Tribunals and by the questioning of this member to the minister that this bill undermines public confidence in the independence of arbitrators. The minister has offered no justification for these changes. The minister has not consulted these groups for their opinions on these changes. I think the minister ought to respect the opinion of the Bar Association and the Council of Administrative Tribunals, support this amendment, step back from undermining the independence of arbitrators and reassert the independence of the process.

Hon. R. Coleman: Like I said, we're not going to support the amendment. I cannot let go how unconscionable I see it that a member would stand up in this House under an amendment that is referring to arbitrators operating under the law, which has been clearly stated, and fearmonger to the people who are the most fragile in our community that they'd better be afraid. The government is going to throw them out on the street because we're going to have independent arbitrators appointed by a director, who have to operate under the law and cannot make a decision outside the law — that part I find unconscionable.

Those comments are obviously not relative to the amendment, so I won't go any further. I would suggest that we deal with voting on the amendment.

[2045-2050]

Amendment negatived on the following division:

YEAS — 24

S. Simpson	Evans	Farnworth
Kwan	B. Simpson	Coons
Thorne	Simons	Puchmayr
Gentner	Routley	Fraser
Horgan	Lali	Dix
Trevena	Karagianis	Ralston
Krog	Austin	Chudnovsky
Wyse	Sather	Conroy

NAYS — 42

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

The Chair: By consent, the time is waived.

Section 1 approved on the following division:

YEAS — 42

Falcon	Reid	Ilich
Chong	Christensen	Les
Richmond	Bell	van Dongen
Roddick	Hayer	Lee
Jarvis	Nuraney	Whittred
Horning	Cantelon	Thorpe
Hagen	Oppal	de Jong
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Krog	Austin	Chudnovsky
Wyse	Sather	Conroy

Hon. R. Coleman: Noting the time, I move the committee rise, report a little bit of progress and seek leave to sit again.

Motion approved.

The committee rose at 8:54 p.m.

The House resumed; Mr. Speaker in the chair.

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

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

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

Motion approved.

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

The House adjourned at 8:56 p.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

ESTIMATES: MINISTRY OF LABOUR AND CITIZENS' SERVICES

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

The committee met at 3:10 p.m.

On Vote 36: ministry operations, $205,765,000.

C. Puchmayr: There are a few areas I would like to explore this afternoon. I believe we're limited on our time, and so I'd like to focus a bit on some of the issues.

I'm just going to go through a little bit of the concerns in my introduction. First of all, I will express some concerns I have with respect to the number of fatalities we have had in British Columbia this year. We're in a time and place, I think, where we should be seeing a reduction in workplace fatalities, and we're seeing just the opposite.

We're extremely concerned about the increases in young people becoming permanently injured and dying in the line of work. When we look into the WorkSafe, workers compensation and the WCAT processes, we're starting to see some huge surpluses building up in those categories that really have some concern.

I go back a little bit to the era when there were some significant changes made. I know they don't quite approach the fiscal situation as the go-forward that we're looking at today. But we are seeing some changes and some information that wasn't available to us when the 2002 changes to the Workers Compensation Board and WorkSafe B.C. took place, and now we're starting to see, as some of these people plateau into the areas of rehab, some alarming results with respect to surpluses, with respect to reductions in rehabilitation. We're seeing some shocking numbers — huge surpluses that are going to WorkSafe B.C. We're seeing, parallel to that, some fairly significant cuts to regulation, some very dramatic changes to enforcement, and that is extremely concerning.

We've looked at some of the rehabilitation issues. We've looked at some of the WCAT concerns. Basically, we'll walk through some of the changes that we think have resulted in some great savings to the workers compensation system at the expense of working people or people who are in need of those resources for rehabilitation. That certainly concerns me a lot.

I will be exploring some of the working-alone legislation. I know we've had some discussions on what should take place on working alone, especially in the gas station convenience industry. I sense that with the escalating price of fuel, we are going to see increases. I certainly would like the ministry to entertain some of the suggestions that the opposition has made in this field. Certainly the goal is to ensure that young people aren't put at risk and exposed to the horrors of some of the things that we've seen with gas-and-bash incidents, which I fear will be on an increase.

I believe that there is some room. I believe that there is a win-win-win here. I've spoken with the key players in the major industry, and if we do something that covers all the industry, I believe we can get to achieving something.

[1515]

The other thing I will want to look at a little bit is the fact that some of the deregulation in forestry with respect to cutting what the government calls red tape…. I think you've heard, hon. Chair, the slogan: "Red tape and health and safety are written in blood." The reason we have a lot of the regulations today is because of experiences where people died unnecessarily in the line of work. When you analyze the fatality, you understand that had there been rules in place, that fatality may have been prevented.

By just going along and cutting the regulations by 30 percent, 40 percent as sort of a goal to show that B.C. is open for business — exposing our young people, our children, to greater risks in the workplace…. What are we doing it for? That is extremely concerning on our side, and we want to explore if the government is going to be looking at changing some of those regulations or at going back into more prescriptive, as opposed to results-based, regulation.

One example is with forestry roads. When you look at the actual section in the legislation in 2002, taking away the need to survey a road — something as simple as saying a road no longer needs to have the requirement of a survey…. When you speak to inspectors at WorkSafe B.C., they're frustrated that they don't have something they can actually latch on to, to say, "That grade shall not exceed this," or: "That corner shall not exceed this curvature." There is no longer an enforcement mechanism when you go in that direction.

I've heard the horror stories from logging truck drivers — who, of course, are in competition for their jobs because a lot of those jobs have been contracted out. Some have been forced to buy the trucks from the major suppliers. They've now become what we call dependent contractors. Some of the grades are so steep and so unmanageable that an empty truck can't even make it up to pick up the trees. They're being towed up with cables at the edge of some very severe drop-offs. They're afraid to speak out, some of them, because they know there are other truck drivers who are waiting to take those jobs, who need to put food on the table.

Those are things that concern me extremely. My basis for that direction isn't just things that I'm reading

and people I'm speaking with. I've gone into the field, and I've looked at it. We had an incident in the Mesachie Lake area a few weeks ago, where a truck driver went off the road. Fortunately, there were no fatalities at the time. I went up and looked at the road and sort of saw the road prior to them repairing it. It was a very narrow road, and it was extremely dangerous. The drivers knew it was dangerous. They tried to bring logs out. The second truck out, of course, rolled.

I think, when you take away regulations that give you an engineered grade or an engineered science of what a safe road can be and you eliminate that requirement, you are putting people at risk. We need to not put people at risk.

Where I would like to start, first of all, is with respect to working alone — if we could touch a little bit on that. I know we have had a couple of discussions in passing. I'm hearing mixed signals from the government. I've heard from the Solicitor General. Actually, I should say I have read his comments with respect to "no need for regulation" — that there's no need to regulate working alone or pay-as-you-go. I hear overtures maybe a little bit differently from the Minister of Labour that that might be a direction we need to go.

I'd like to explore that a little bit and ask the minister: is there a direction we may be looking at going in with respect to workers working alone in that industry?

[1520]

Hon. M. de Jong: I might first take a moment to introduce the senior officials that are here with me today: to my immediate right, Assistant Deputy Minister of Labour Annette Wall; and then behind me, Sheryl Wanazenki-Yoland, assistant deputy minister; Pat Cullinane, director, employment standards branch; Terry Beashaw, corporate planning director, WorkSafe B.C.; and waiting breathlessly in the wings, John Blakely from the Labour side of the ministry.

The short answer to the member's question is yes. We're actually fully engaged at the moment in exploring some of the options that might exist — motivated purely by one consideration, and that is what we can do to minimize the risk and improve the safety of workers involved in the retail sale of gasoline at gas stations, as we conventionally refer to them.

We have identified a series of options. The member will know that focus has been brought to bear on this issue as a result of a number of recent incidents — one a year ago, incredibly tragic insofar as the young man involved, the deceased young Grant de Patie, and his family. I think the member has met with the family, as have I, and they have been helpful in terms of adopting a very mature and constructive approach to trying to salvage something positive from the tragedy that has befallen their family.

I'm happy to engage — and will with the member — in a discussion of what some of those options might look like and what some of my thinking is at this stage, in terms of what some of the remaining issues are, before government makes a final decision.

C. Puchmayr: I've certainly heard of the different positions that are out there. One is pay-as-you-go, of course. Also, I've spoken to some of the independents, who have very narrow margins. They are concerned that this may cause some issues with them with respect to upgrading of equipment. But I think there needs to be something that government can do to look at how we can still head in that direction. The pay-as-you-go is one system.

When speaking to law enforcement, one of the concerns I have heard…. I'm not just speaking of facilities that have been built for a long time and that may have poor surveillance equipment. I've heard of brand-new facilities spending tens and hundreds of thousands of dollars building, for instance, a convenience store and then putting in an old, antiquated surveillance system which is so grainy that even if there were an incident in that facility, the tape would be useless to law enforcement.

Also, I believe, in the last incident, where the employee was coming after the van with a golf club and was hit and thrown…. My information is that the camera was a mock camera. It wasn't even a valid camera. It was there merely to create some fear that there was surveillance there.

On that topic alone, with respect to surveillance, could the government look at possibly establishing a standard of resolution and then ensuring they work with what's developed through CPTED — crime prevention through environmental design — and have CPTED consultants look at the placements of these devices?

[1525]

Hon. M. de Jong: Thanks to the member for referencing a recent case which, happily, did not end with the tragic results of the one I referred to earlier. But it does give me pause, and I hope the member and committee will permit me to emphasize a point that I think everyone around this committee table will agree upon. That is the absolute, fundamental importance attached to employers ensuring that their employees understand, when confronted by a situation involving criminal activity, their primary — in fact, their only — responsibility is to ensure their own safety.

Unfortunately, we still are confronted by circumstances where employees are motivated by a variety of factors, it seems, to take circumstances into their own hands and try to prevent — in the cases we're talking about — the "dash" part of the gas-and-dash. Not only is that unwise, but any attempt that any employer were to make to encourage or even intimidate a worker to feel compelled to take that activity, take that kind of action, is unlawful.

To the extent that I can impress upon the record here the state of the law in that respect, the government's wholehearted endorsement of those present statutory provisions and the fact that employment standards will investigate thoroughly any allegation that employees have been presented with a situation in which they feel compelled to pursue theft because they fear the results of that will be visited upon them and

the wages they earn…. Then, we and employment standards want to know about that.

I apologize for the segue, but I do feel very strongly about the need to ensure that factor and that that fact is made known.

There are a variety of preventative measures that can be taken. The essence of the debate, though, that I think we are engaged in right now really relates to the question of whether or not at a certain point a consumer should be in the position where they must prepay for the gasoline.

Before we get to the questions of surveillance and what happens following an incidence of theft, we probably should explore those measures that might be appropriate in terms of minimizing the possibility of the theft occurring in the first place. I know the member has some views on that. I am interested in them and will gladly share with him what I have learned thus far and what is in my mind at this point about that.

C. Puchmayr: Certainly, the goal is to alleviate and to ensure that we have a safe environment for young employees. The minister is correct. There are some things that can happen right now. Unfortunately, some of those have been taken away from employees. For instance, after 2002 there was no longer a mandatory provision for posting employment standards regulations.

The industry does a lot of work on working alone. Exxon North America, Shell and Petro-Canada have shared the information with me. They do have an organization that works jointly on the health and safety of attendants working in that field. Unfortunately, and this is not just from what I'm reading…. This is from actually going to fuel up in the evenings and asking the young employee what the WorkSafe or the working-alone regulations for the specific station are, and rarely do they even know.

Some of the major stations…. All they say is, "We're told not to go after them," which is great news, and they're instructed to phone a non-emergency police number. That's a positive thing. When we ask if they are aware of any other provisions for working alone, they rarely are.

[1530]

I think the case of the Maple Ridge fatality…. I believe it was over a year after that incident that it was still not in compliance of the working-alone regulations.

I'd like to explore with the minister how…. It's good to say that employees shouldn't expose themselves to risk, but employees change constantly and licensees can change constantly. What would the minister see as something concrete that would be in place, where a new employee could go in and have it mandated so that there's a document they could access to see what their requirements are under the laws of British Columbia?

What obligations are there to a new licensee? Rather than just purchasing a service station…. Where is it mandated that that licensee be familiar immediately with the instructions that the licensee must give a new worker as required by WorkSafe B.C.? Where is that, if it's no longer mandatory to have those documents available? They could be helpful to both the employer and the employee at the same time.

Hon. M. de Jong: First of all, we should be clear on this at least. An employer's obligation to comply with occupational health and safety statutory provisions and regulations is not in any way, shape or form dependent upon them reading that material. They don't get a period of leeway. If you're an employer, you are deemed to know what your obligations are under those statutes, and they are legal obligations. So that's the first thing.

It would be, in my view, a mistake to assume that because there is a package of regulations hanging at a workplace, employees are any better informed about the contents of those regulations than if those regulations were not. That's why there is a specific obligation imposed upon employers, where workers are exposed to any degree of risk, to identify that risk; to ensure that the employees are properly informed about what it is, what the response to that risk is and how they are to conduct themselves — and in the case of working alone, that is certainly the case — and to ensure that there is adequate training provided to the employee.

There is obviously a second component to that, and that is to ensure those requirements are complied with. But the specific requirement to identify risk — and to work with the employee to ensure that there is an understanding of what that risk is, how to minimize it and how to conduct one's self appropriately around that risk — is, in my view, far more salient and far more relevant and, when complied with, a far more productive approach to this than is simply suggesting hanging a hefty package of regulations in the workplace.

Admittedly, it requires follow-through. That is why work is actively taking place to ensure that that occurs.

Again, I want to end with where I began. The employer's obligation begins at the instant they are an employer, not some time thereafter, after they've had a chance to peruse the statute.

C. Puchmayr: The Employment Standards Act is by no means any more a hefty package of regulation. It certainly can be limited to a focus. I know the U-brew/U-vin industry did something, and it was a one-pager on the walls to assist in the issues of some of the U-brews/U-vins brewing their own products.

[1535]

Just simply having some mandated…. Actually, I believe, to the best of my knowledge, that it was even mandatory that this document was exposed in the view of customers so that they understood the rights of the government.

I'd like to ask, then, on what the minister's saying with respect to regulations: how many inspections of service stations were conducted last year?

Hon. M. de Jong: While we're getting that information, let me apologize to the member. I may have misunderstood the previous question, because the previous question seemed to include a submission around posting the Employment Standards Act and its regulations in their entirety. In his subsequent submission the member has suggested something, I think, significantly different, which is identifying issues that are of particular relevance to that workplace and those employees and posting a consolidated or abbreviated version — something I entirely agree with. In fact, the regulation we presently have contemplates that very thing.

My point — because I thought the member was advocating the posting of the act in its entirety and the regulations that flow from it — is that the volume of that material would mitigate any value in having it there, because the likelihood of an employee actually reviewing it in its entirety was very small. If we're talking about identifying risk and ensuring that the policies and the approaches to mitigating and minimizing that risk are communicated effectively to the employee, not only am I all for that, but that's what the existing regulation requires.

I will try to see where we are with the information the member has sought.

C. Puchmayr: While you try to get that information, I have a colleague that has to go to another meeting. I would like to yield to a few questions on the farmworkers issue while you look for that information.

R. Chouhan: The minister may or may not be aware that in 1980 a union of farmworkers was formed, called the Canadian Farmworkers Union, and I was the founding president. Over the years, working with different governments and ministries of labour, we were able to get very positive changes to the Employment Standards Act to get protection for farmworkers, namely in the area of more inspectors in the field, more vehicle inspection on highways. The employment standards branch was very proactive in helping farmworkers to recover their wages from the labour contractors.

Since 2001 a number of changes have been made to the Employment Standards Act. As a result, the staff have been cut who were very helpful to those workers when they were working in the field and also on the highways, etc.

The picking season is almost upon us now. My question to the minister is: is there any plan that the ministry has to help those farmworkers, to have more staff in the field to make sure the workers are paid on time and the picking is done through the proper weighing scales, etc.?

Hon. M. de Jong: Just parenthetically, while he was founding the union of farmworkers in 1980, I was throwing hay in my neighbour's farm. He didn't get me to join. I don't know; he must have been falling down on the job as an organizer.

[1540]

I can advise the member that there will be four individuals attending specifically to the task that the member has referred to. That's an addition of one from last year.

R. Chouhan: What would be the piece rate this year for various fruits that workers will be picking in the field? Also, is there any change in minimum wage for farmworkers?

Hon. M. de Jong: While we're looking, is the member looking for a specific type of crop? Because there are, I'm told….

Interjection.

Hon. M. de Jong: All right, the member is indicating for a variety of crops, and I'll get back to him momentarily.

R. Chouhan: Now, the issue of…. Lately we have heard about the Mexican farmworkers.

Hon. M. de Jong: I have the answer.

R. Chouhan: Oh, go ahead.

Hon. M. de Jong: The best way for me to convey this might be simply to provide the regulation. This is pursuant to the employment standards regulation, and it sets out the minimum wage for apples, apricots, beans, blueberries, Brussels sprouts, cherries, grapes, mushrooms, peaches, pears, peas, prune plums, raspberries and strawberries. I even see daffodils; I think we're past the daffodil season this year. What I can do is provide the member with the numbers, the per-bin, per-pound numbers for each of those commodities.

R. Chouhan: The issue of Mexican farmworkers. Last year we heard the story of what those workers at the Purewal farm have gone through. This year we have heard a story about workers working at the Golden Eagle farm in Maple Ridge.

A couple of weeks ago I met with about 15 to 18 farmworkers from that field, and I was asking them about the general working conditions there. They have advised me that the contract that they have with their employer…. If they have any dispute with the employer, they don't have any dispute resolution mechanism. Generally speaking, what they go through is: if something arises, they would be sent back to Mexico. Is that true? Is there any way that could be looked into, to help those farmworkers if they have a dispute?

Hon. M. de Jong: Thanks to the member for raising the issue. A couple of things, and I'm glad he raised the issue, actually, because it's a timely discussion.

The first point I want to make is that this is a unique situation. As issues arise, the resolution of those issues can follow a dual track — or a trilateral track, for that matter. In the case of allegations of breaches of the Employment Standards Act, which the contract — to which the province, by the way, is not a party per se….

Where there are alleged breaches of employment standards regulations, there is a specific individual within the department tasked with pursuing those.

There is no obligation, I was reminded by officials, in the case of the foreign workers, to complete the self-help kit that we have discussed in these proceedings in the past. There is another track, if you will, of potential dispute relating to accommodation, and there is a residential tenancy branch potential for involvement there. But there is an overarching jurisdiction, if you will, that is different from any other circumstance. It is the Mexican consulate office.

[1545]

What I would like to say, in general terms, and then I'm curious to know the member's view…. Given the shortages that growers have experienced in attracting people to work in the harvesting of these agricultural commodities, the member should know I have been convinced — and have been for some time now, since shortly after getting this job — that the essence of the program is a good one — the notion of seasonal workers.

We're dealing with Mexico now. In fact, I'm interested to know whether they're…. I'm pursuing the possibility of expanding that program to include other countries. In my view, it is a positive thing.

I believe the vast majority of the growers understand, however, that a program like this, which is, admittedly, in its infancy…. It does not have the history, for example, of the Caribbean workers who have travelled to Ontario in the past to work in the harvesting of tobacco — as insidious a crop as we might think that is. Workers come from elsewhere to participate there. We don't have that history here, and nothing will frustrate or, ultimately, eliminate the possibility of this program expanding more quickly than if growers do not comply with either employment standards, residential tenancy branch or their obligations under the contract.

The way we will most quickly see that is if seasonal workers are provided with substandard housing. The goodwill that has been generated by the vast majority of growers, some of whom, I have to say, based on the part of the province that I call home, have provided exceptionally positive environments for their workers, have constructed brand-new living quarters — very, very impressive….

It will be those who do the opposite that attract the attention. If that happens, those growers with whom I have spoken extensively know that the prospects of the program going forward and expanding will be compromised, and they will not have the solution to the problem they are facing now. That potential solution will disappear.

On the positive side, I'm happy to say that we're seeing continuous involvement. We're seeing the vast majority of growers respect their obligations, adhere to them and provide a very positive working environment. In fact, I think I'm meeting with some of the seasonal workers in a couple of weeks. We're trying to set that up. It's a good opportunity for us as Canadians and British Columbians to make people feel welcome. It is a win-win-win, but it is, as the member points out, dependent on everyone fulfilling their obligations and ensuring that it's a positive experience for everyone, and a fair one.

R. Chouhan: I agree with the minister that there are many growers who are very respectful of their employees, but there are some who cause those problems and attract some attention to that.

The program to have workers from other countries to address the shortage of workers. I agree that it's a good program and, also, that it should be expanded to many other countries. The growers that I have talked to are talking about a language problem. Many growers who are Punjabi-speaking are saying they can't attract or find workers who speak Punjabi, so they have a communication problem there.

I have a question. Are any materials or publications available in Spanish for these Mexican farmworkers who come from Mexico to work on the farms these days?

[1550]

Hon. M. de Jong: I'm advised that in the case of both employment standards and WorkSafe B.C., explanatory material is available in Spanish.

R. Chouhan: One last question about health and safety regulations. In 1994 I was a member of the health and safety advisory committee, for the Workers Compensation Board at that time, to design the workers health and safety regulations for the agriculture industry. Now my question is: has there been any change to minimize the impact of those regulations to protect workers from pesticides, unsafe machinery? Do those regulations continue to be the same? I haven't seen them or heard any changes lately. I hope there are none.

Hon. M. de Jong: Thanks to the member for the question. He's identified an issue that, obviously, in today's world of agriculture is relevant and important. The employers…. Well, let me say this. The specific regulations are reviewed on an ongoing basis. In 2005 they were, of course, enshrined in the occupational health and safety regulation. They were refined in ways that probably will not be possible for me to explain in detail here now; though, if the member wishes, I can provide that information.

In general terms, employers have an obligation to…. Well, their obligation exists at a variety of levels. First of all, even purchasing the pesticide engages some requirements on their part in terms of permitting and certification and application permitting — that being on the environmental side. They also, however, have an obligation vis-à-vis their employees to ensure that the employees, if they are involved in that process, know what they are working with, are properly advised of the proper safety components of handling and applying the substance. Those are specifically provided for in the occupational health and safety regulation.

[1555]

The member is correct. This is something that has evolved over time. Years ago there was not nearly the

focus or understanding of the risks associated with handling some of this material that there is today.

C. Puchmayr: I believe you were going to share some statistics with me. I can ask another question if you're still looking.

Hon. M. de Jong: No, you'll confuse me if you do that.

I can do this in two parts. First of all, contrary to what we occasionally hear, the number of inspection reports has been steadily on the increase. For example, in 2005 the number of inspection reports issued increased by over 25 percent. We have been talking specifically about retail gasoline outlets, fuel outlets. I think the member is aware of this, but if not, I'll put it on the record here, and that is the fact that WorkSafe has also issued information circulars to about 1,400 retail gas outlets and has specifically stepped up random inspections in that sector of the retail economy, the hope being that the seriousness of their obligation can be impressed upon employers in terms of properly equipping their employees to deal with the risk associated with their jobs.

The member said something earlier which is worth emphasizing — and not just because I agree with it. It is a business in which there tends to be a high turnover in staff, and the obligation that the employer faces is to ensure that everyone working for the operation is properly equipped, properly advised and properly trained. To that extent, it is an ongoing obligation that never ends.

C. Puchmayr: Thank you. Your information to me is that the inspections are up over 25 percent. What does that amount to in numbers?

[1600]

Hon. M. de Jong: I'm just trying to get some statistical information that might be of assistance to the member. I'll focus on two areas — one is investigations; that is, full-blown investigations — to do a comparator. In 2000 the number of full-blown investigations done was 88. That has increased steadily. In 2005 it was 729 — so a significant increase there.

In terms of inspections, we're anticipating, just as there was a 25-percent increase in the number of inspections in '05 over '04…. We don't think it will be quite as large an increase from '05 to '06, but something in the magnitude of 15 percent. That would see inspections in the range of 23,000 to 24,000 for the year.

I should say that those are general numbers. I don't have with me a sector breakdown.

C. Puchmayr: Okay — 1,400 service stations and 24,000 inspections. So what you're telling me is that you don't have a figure, a statistic, for that. Are you giving me a statistic that's for all worksites governed under WorkSafe B.C.?

Hon. M. de Jong: Yes.

C. Puchmayr: Does the ministry plan on getting some statistics with respect to the service station field, in view of what's happening, in view of the concerns people have raised, the increased prices in fuel costs, the numbers of pump-and-dash incidents? How can we monitor it when we're not breaking down that statistic?

What would be the difficulty in having a statistic? When an inspector goes to a service station, wouldn't it be on a document somewhere that he inspected a service station? I know I asked the minister for information with respect to farmsite inspections last year, and I did get a fairly specific document that showed the number of visits, the number of orders, what the orders were for. Why would that not be available for service stations, especially in view of what we've seen happen over the last year?

[1605]

Hon. M. de Jong: We are gathering material and trying to break it down, but that's not just the sort the member has requested. I'm also trying to gather information profiling the gas-and-dash phenomenon: When's it happening? What are the circumstances? A lot of that is relevant, too, because ultimately, the decisions that government makes about how to respond are designed to reduce the risk to employees.

For example, if we seize upon a strategy and the only result is that the criminal element is now driven to confront an employee in a booth with a weapon of some sort or with threatening to turn on the pump, then from the point of view of workplace safety, we have failed miserably. We haven't made the workplace safer. We've actually gone in the other direction.

I hope the member will take some comfort from the fact that it's precisely that kind of information we are gathering, though I should say this candidly to the member as well. Whilst we have been confronted by some recent examples — and one particularly horrific and tragic example — there are other places in the economy where workplace violence occurs with far more regularity.

The work associated with trying to focus on those areas and those risks is, of course, ongoing. Whilst we are trying to bring a specific focus to what is taking place in the retail fuel sector, one would not want to lose sight of some other priority areas that WorkSafe continues to deal with.

C. Puchmayr: Again, I'm a little shocked we don't have that access to information so that we can actually draft or monitor the direction we need to go.

I think we can all understand that there needs to be a direction here, and it needs to be one that's proactive. It needs to be one that brings all the parties to the table as we develop — and I'm hoping to hear eventually that we develop soon — a regulation that will protect workers working alone, whether it's in the service industry or convenience store industry, and factoring in those very things we've talked about — the quality of the surveillance, how to minimize the risk to workers,

and also how to educate workers and employers as to what their obligations are.

My concern is that if employers aren't communicating that information to their employees…. This can be used across many, many industries. Is there a sector that is more in need of possibly some prescriptive direction? I would think this is one.

My question with respect to how many inspections there are in these sites is not available. I can't assist the government in coming to some sort of conclusion as to what needs to happen there. I don't have a statistic that says what kinds of fines were imposed or what kinds of orders were written. If WorkSafe B.C. doesn't have the breakdown of that situation, it puts us in a difficult situation as to where, specifically, we need to go.

[R. Cantelon in the chair.]

The other one is: how many are repeat offenders? We're seeing now where there was a fatality in Maple Ridge. Over a year later, I believe, there was an inspection of that place, and it was found they were still in violation of something that resulted in a fatality.

If we're not keeping those statistics, I'm a little bit alarmed that we're not able to go to the shelf and say: "Here's what we need to do, because our statistics show that this sector is continually in breach of safety standards for employees."

[1610]

At one time you got the monthly printout, and it showed you everything in every different sector. It was a pretty clear breakdown of what kind of monitoring was done in that field. I'm a little bit surprised that isn't available today.

I would like to ask the minister if he intends to look at establishing some criteria so that the information does become public information, so that young people or the families that have young people working in this industry can go on the Internet and can look and see the risks involved and see who some of the violators or continued violators may very well be.

Hon. M. de Jong: Firstly, I believe most of the broken-down information the member has expressed an interest in is available. What I attempted to convey is that I don't have it for him here today, but I am happy to provide it.

In fact, that information has been requested for precisely the reason we are having this discussion, which is to craft a response that is responsible, built around a fact base and built around the predominant concern, which is to improve safety. I'm further advised that with respect to the application of penalties, that information is posted. It is possible for people to access it via the WorkSafe website.

Further to that, WorkSafe has engaged and developed a specific strategy around empowering and enlightening young members and new members of the workforce to ensure that they have a specific site they can go to that reasonably and in comprehensible fashion discloses what their rights and entitlements are as employees, so that mechanism exists.

WorkSafe will also be proactive in terms of communicating through a small campaign designed to alert young and new members of the workforce as to what their rights, entitlements and responsibilities are.

C. Puchmayr: Would the minister, then, entertain looking at mandating some communication that can be posted in the worksites that could possibly have the basics about the safety of working in those sites and the immediate links to the applicable documents they may want to access to get more detailed information with respect to that?

[1615]

Hon. M. de Jong: I think it's certainly possible and perhaps advantageous to develop a straightforward communication piece that conveys to employers and their employees the obligations both have, particularly the employer at a workplace.

I've got no hesitation, as part of an overall strategy, to incorporate something like that. Again, that's somewhat different than mandatory posting of the Employment Standards Act, which is, I think, of limited utility.

C. Puchmayr: It's certainly good news to hear that's a direction we could go. I think it could encompass the very needs workers would have with respect to knowing where they get their information from and, also, for new employers buying new businesses, knowing there's a document that has to be posted in that place.

When they see that document, it has all the links, so they can either send away for regulations or access them through the websites. That's certainly a direction I would encourage this government to go in. I would certainly support that.

On the same topic, during last estimates we discussed the difficulty some people are having in getting access to the employment standards branch and actually getting a hold of an officer. I tried it myself to see how difficult it would be to get an officer to investigate a complaint.

What they do is link you to the website, where you basically have to manoeuvre through the website, find the form, fill out the form with respect to what your complaint is and then take that form and serve your employer with a legal-looking document that you are disputing something the employer is doing.

It's a very onerous position to put young workers in. My sense is that many young workers and new immigrant workers…. Well, let's just focus on the young workers first, because new immigrant workers have a different dilemma that I'm seeing. With young workers, to have to expose them to that type of process to get an issue adjudicated is very onerous and intimidating.

I'm wondering if the government is in a position to look at having a more friendly system where somebody independent of the worker and the employer can go there and investigate. I know there's a provision for some extreme, serious cases, but if a worker is missing a week's pay or a day's pay, they basically have to serve their employer with a legal document — that

they have contacted or are going to be processing it with the employment standards branch. I find that is problematic for many young workers.

Hon. M. de Jong: I think the member is entitled to expect me to be as candid as possible. The short response is I'm not sure I agree. Disputes, by their very nature, tend to involve a difference of opinion.

I won't dispute with the member that for a worker, young or old, but particularly young, it is a daunting task indeed to say to someone: "I believe you're not upholding your obligations to me, as an employer." That's a difficult thing. In the same way, I suppose, maybe in a different age, it was difficult for a student to communicate to a teacher, although that doesn't seem to be as daunting a task for students these days as it once was.

[1620]

Yes, in situations where an employee needs to go to an employer and say, "I am unhappy, and I think you have violated your obligations to me or your obligations under the law," there's no doubt that will be cause for some degree of anxiety for some workers. But the notion that we are going to provide individuals, on an ongoing basis, and put them at the disposal of folks to pursue disputes that occur is, I think, unrealistic, if for no other reason than the cost involved in doing that.

C. Puchmayr: Now, moving on to the immigrant worker. I'll just refresh the minister a bit about a discussion we had during the last estimates period with respect to the website. If someone with English as a second language could access the computer, I know there's a page where there are translations you can get to. I believe we spoke about having the immediate page, the first page — if they can even find it if it's not in English….

At the very least, if they get to that page, is there a way they can be directed into that translated page from the initial one? I think — and I believe the minister agreed last time — that someone with difficulty with English or with English as a second language…. You would have to know English to get to the translation page, and I think the overture was that it was going to be looked at.

Hon. M. de Jong: Let me deal with it this way. First of all, the issue is not in terms of oral communications, because via the 1-800 number, apparently, an individual can be routed immediately to someone speaking Cantonese, Danish, French, German, Hindi, Italian, Malay, Mandarin, Punjabi, Spanish, Urdu and a language that I have not heard of.

[1625]

The issue, though, that the member has raised…. I'm not going to quarrel with him. He's probably heard part of that conversation. It seems to me on the webpage, the home page, we should be able to click on at least some basic information in the languages other than English that are predominantly in use and provide at least something upfront that gives people some guidance on the initial home page. We'll pursue that. It makes sense to me.

C. Puchmayr: I'm going to move over to my concerns with respect to child labour, as I expressed last time. I just want to canvass some issues. Of course, our position on this side is totally opposite to the government's with respect to the regulations that now govern child labour. Children as young as 12 are able to work in the workforce.

On a rare occasion, there used to be a permit process. There needed to be an inspector who attended that worksite to see if the ergonomics of any of the equipment the child may be using was of a standard that was safe enough for the child to use. There was an issue with respect to transportation, a child getting to and from work. There was an issue with respect to hours of work.

Now we're in a system where a child as young as 12 can work in an industry. The requirement is a letter from one of the parents, no longer from two of the parents. There's no longer an inspector who goes to the worksite. The onus is on the parent to inspect the worksite to ensure that they feel comfortable the child will be working safely.

As you are well aware, trying to get inspectors…. What I'm hearing from WorkSafe B.C. is that there's quite a difficulty getting WorkSafe inspectors. I think one of the terms from the minister was "getting them up to speed," getting them conversant in the field of inspection. I'm very concerned when a child as young as 12 can work in an industry and the onus is on a parent to be equally as conversant as a safety inspector to see whether or not that place is safe.

My question to the minister: is the minister equally as concerned about the situation of children as young as 12 working in industry?

Hon. M. de Jong: I may disagree on a variety of fronts, but here are two in particular: First of all, call me old-fashioned, but I have always and will always believe that no one is going to be more interested in ensuring the safety of a child than the child's parent. It causes me no concern at all to know that a parent is directly involved in the decision about whether or not an under-age individual is going to be engaged in employment activity.

The fact that it's one parent is probably a realistic reflection of the fact that many children come from single-parent homes. To suggest, in those circumstances, that people would have to obtain approval from a parent who may not be readily available would, I think, be somewhat nonsensical.

The difficulty I've had with the criticism that has been advanced…. It gets back to this question of: "Let's go back to the good old days. We are opposed to the change that has taken place." Well, the good old days were all built around a myth.

[1630]

The numbers I've got say that in the last year prior to the change, 447 permit applications were issued, and most of those were at the PNE. It may give some people some comfort to know that 447 permits were applied for and granted. It sure doesn't give me a lot of comfort when you know there would have been countless more who were simply ignoring that provision.

We can delude ourselves and hide behind mythical regulations that weren't being enforced and weren't being applied and weren't being followed. It seems to me that it is far better and far more responsible to make it clear where the responsibilities lie, to ensure there is a system in place that engages the attention of all the players, including the parent or parents, and therefore has the best chance of ensuring that young workers are properly protected.

That's recognizing the provisions that were changed were for young people aged 12, 13 and 14. In any of the rare circumstances where anyone under the age of 12 is involved, there's a very specific permit required.

I guess the difference of opinion, to the extent it exists, flows from the fact that I and the government were not and are not of the view that it does anyone any good to rely upon a regulatory regime that was simply being ignored consistently, through time. If others have a difference of opinion and think we should go back to a day when this sort of mythical safety net existed, then I guess we have a difference of opinion on that matter.

C. Puchmayr: I'm not referring to lemonade stands or paper routes here. Children are able to work in some very dangerous lines of occupation now — some working alone, not like working the midway at the PNE and selling darts to pop balloons.

We're talking about children who could be exposed to working alone, working late hours and sometimes working with very little supervision or with supervisors who are not much older than the children working alone. That really concerns me. I'd like to ask the minister: how many children aged 12 were working in industry in British Columbia last year?

Hon. M. de Jong: The short answer is that we wouldn't know. Here's the difference. We can honestly say we don't know because the requirements do not require a permit. Contrast that with the previous regime, which…. Maybe the member will ask me this. Maybe he'll ask me how many young people aged 12, 13 and 14 were working in 2001.

The answer I could give is 447, because that's the number of permits that were issued. That would be blatantly false, and everyone in this committee room would know it. I choose not to hide behind a statistic that's patently unreliable.

[1635]

The member's concern is legitimate. It's an area where we should clearly focus a great deal of attention, because it is an exceptional circumstance when you have people this young involved in employment. But I can say this to the member: what we do have are statistics for short-term disability claims for the period 1999 to 2005. In 1999 there were ten accepted claims. In 2000 there were seven. In '01 there were ten. In '02 there were 11. In '03 there were nine. In '04 there were nine, and in '05 there were six.

C. Puchmayr: What age?

Hon. M. de Jong: For children 14 and under.

Now, I've already conceded to the member that with the system in place, I can't say with certainty how many young people of that age were in the workforce. I can, anecdotally, however, point to the fact that there are more young people working in British Columbia at some time during the year than ever before. So we've always got to be careful with statistics.

Statistically speaking, the number of claims seems to have dropped. That doesn't mean that we shouldn't, as the member rightly points out, remain ever vigilant. But it does suggest to me that the structure that is in place is doing its job in terms of addressing the safety requirements of, admittedly, very young and, for that reason, vulnerable workers.

C. Puchmayr: There was a report recently from a professor at, I believe, SFU that stated that many young people don't report injuries, are intimidated, and that there are many, especially in the food production, fast-food industry, that are exposed to burns. Can the minister tell me how many children aged 12 sustained injuries last year?

Hon. M. de Jong: That relates to the statistic I just provided to the member. For '05, for 14 and under, the number was six. What I don't have at my fingertips is the ages of those six. It is conceivable that none of them were 12 or that some of them were 12. They were between 12 and 14, the six short-term disability claims.

C. Puchmayr: Are there any specific, special inspections that are carried out, or is there a way of identifying the age of workers to carry…? What if a young worker or a child gets a job and the parent isn't able to understand whether or not it's a safe working environment? Does the parent just have to hope that the employer is going to do the right thing, or is there something the parent can access through the government?

Hon. M. de Jong: I'm glad the member asked the question. If a parent has a doubt, then they don't approve. That's what parental responsibility is about. If they have any doubts whatsoever, they don't provide the approval that is required for the child to do the work.

C. Puchmayr: My question wasn't: if the parent had a doubt…?

[1640]

If the parent goes to the worksite and in their mind doesn't understand whether the complexities of that worksite are exposing the young worker to a hazard, is there something the parent can access through the government for a pre-emptive inspection of that worksite?

Hon. M. de Jong: I'm advised that if anyone has a question or query about the safety of a worksite, they can contact WorkSafe. They will take steps to examine, investigate and provide whatever information they

can. But the obligation, in the example we're talking about, is on the parent to take that first step.

C. Puchmayr: Again, I appreciate what the minister is trying to say here with respect to the parent. There's where I have my concern. A parent may not understand the complexities of that worksite.

A young worker who is coming home with the good news that they just got a job in some industry…. I want to ensure that there's something as what was in place before, where a parent doesn't have to put the onus on themselves when they're not conversant in industrial health and safety or ergonomics, where somebody can go down there and say: "This machine will not be appropriate for a child of this height" — you know, writing up some restrictions of what the involvement of the child in that workplace would be.

That's what troubles me. I don't feel that parents are conversant enough in health and safety on the worksite. We had a young 16-year-old worker who went to work with his father in Coquitlam a few years ago, at the transfer station. His father worked there for years, but the young worker ended up being crushed with a load of dumping garbage. To me, it takes more than just going there and looking around and saying: "Well, this looks good. Everyone's smiling and having a good time. People are working. I guess Johnny or Janey is going to be all right here."

What about the parent who wants to go that extra mile and make sure that somebody can assure the parent that the young worker is going to be safe in that worksite? What is the provision that's available? I'm hearing that there may be some provision available. Could you clarify that to me?

Hon. M. de Jong: It is certainly an option for a parent. Upon examining a proposed workplace for their child, if they have specific questions and those questions cannot be answered satisfactorily by those on site, they certainly have the option to contact WorkSafe directly and, if the concern cannot be addressed via telephone communication, to have an inspection take place. That mechanism exists.

I think the part that I bristle at a little bit in the member's submission is when he suggests that somehow under a previous regime something existed that quite clearly did not. Unless the member is suggesting to me — and maybe he is — that in '01 there were only 447 children under the age of 14 working, then obviously, a great number of young workers were not covered and not receiving the benefits of the permitting process that was supposed to be in place for their protection.

[1645]

I think we can agree most emphatically on the need to ensure that particular care is given to ensuring the safety of a workplace — involving all workers, but particularly young people. I think we can agree emphatically on the interest that a parent would have and should have in ensuring the safety of the workplace, and I think we would agree on the fact that workplaces will avail themselves of any enquiries and the requests made of them by a parent of a young person in this position. But let's not pretend something was taking place under a previous regime that clearly was not.

C. Puchmayr: Well, with all respect to the minister, there was. There was a regulation that during the permit process, there was an inspection of that site, and that inspection was done by the government. So it was in existence.

Now, if the minister wants to say that because some people violated that, that justifies going in a different direction, that's his opinion. But something was in place prior to this, and it was certainly more onerous than it is today. It went as far as regulating the shifting, and it looked at transportation to and from the worksite. There was something in place. That legislation has been gutted, and the onus has been put on a parent to inspect the worksite.

If the minister is saying to me now that a parent can go in there and say, "I really don't understand the complexities of this. I don't know if my son or daughter should be using power tools, working graveyard shift, away from transportation. I can phone WorkSafe B.C. and have them come down and do an analysis of this jobsite," that's very promising to hear.

I would like to see if the minister is willing to put that on the website.

Hon. M. de Jong: Not only can parents do that; they now have a legal obligation to do so. Until such time as a parent is completely satisfied — and if that requires engagement by WorkSafe, then so be it — that their child would be working in a safe environment and provides written authorization to that effect, that child can't work there.

What has taken place under the Employment Standards Act…. I'll send a copy of this over to the member, because it in part answers some of the questions that he's been raising. It's the one-page summary — *Employment of Young People: A Resource Guide for Parents*. It lays out in a degree of detail what the obligations are, what the law is.

I'll just very quickly relate some of the information on here. It says here: "The following information and suggestions should assist parents in making a decision whether or not to permit their 12-to-14 year-old child to be employed." Note the language: "…assist the parent in making a decision whether or not to permit…." They have the final say.

It recommends to parents:

> Meet the prospective employer and discuss the supervision arrangements. The law requires an employee who is under 15 years of age to be under the direct supervision of an adult…at all times while at work.
>
> Give the employer the contact information for the parent or another responsible adult in case of an emergency.
>
> Show the employer proof of the child's age.
>
> Ensure that the child will have safe and reliable transportation at all times to and from work and will not be travelling alone in early morning or late evening.

> Ask the employer to describe the specific job duties the child will perform and the hours the child will be expected to work.

It says to the parent: "When you visit the workplace where your child will be employed, look for obvious hazards such as power tools or sharp implements, knives, saws, hot grills, deep fryers or boiling water. Consider exposure to hazardous substances…. Discuss any concerns with the employer."

[1650]

It goes on, and as the member points out, if there are questions about that that the parent doesn't believe have been answered or that he or she does not understand to his or her satisfaction, then they have the option of calling WorkSafe. But it is a process that fully engages the parent, the guardian of the child, and to this extent, I think the guide is helpful. I have a copy here, and I'll pass it through the Chair to the member.

C. Puchmayr: Again, you've made my point with respect to the onus on the parent. There are very complex issues that a parent is now required to try to understand when that, at one time, was done.

There's a difference between "permit" and "permit." You know, at one time there was a permit that authorized that the person could work under those conditions, and for a parent to just give permission is significantly different. What we're trying to do on this side is to ensure that young workers aren't unduly exposed. My concern is that this is exposing them to this.

Now, I will be yielding to some issues on forestry to my colleague the Forests critic on my left, and will return with the final segment on WorkSafe B.C.

The Chair: The Chair declares a recess for five minutes.

The committee recessed from 4:52 p.m. to 4:54 p.m.

[R. Cantelon in the chair.]

On Vote 36 *(continued)*.

B. Simpson: I'd like to spend a little bit of time on the forest safety issues. Noting that this whole estimates is tight for time, I'm going to try and stay quite focused on some critical items.

The minister met with representatives from the Steelworkers as a follow-up to their forum and some of the work that they were doing. The date I have is March 30. At that time there was a discussion between the minister and steel and the Minister of Forests.

[1655]

Mention was made of the possibility of a fulsome inquiry being done, possibly using the Inquiry Act. Could the minister update us: what is the status of that? Will an inquiry actually be done?

Hon. M. de Jong: I'll relate to the member what I related to the Steelworkers at the time. As I recall, for a variety of reasons, I left the meeting prior to its completion. The Minister of Forests carried on, but I made this point. I thought there was value in an examination — not of WorkSafe policy or occupational health and safety and forest policy, but the value I saw was in a coordinated approach as to how they interact with one another. If there are gaps, what are they, and to what extent could we settle on a process whereby that kind of examination could take place?

Now, the Forests Minister has already conducted some work within the Forests Ministry. In fact, WorkSafe has done and is continuing to do some work. The piece that I believe would be of some utility and value would be to combine that work or take a coordinated approach and say: "All right, well, if this is what's happening on the ground, how does WorkSafe policy react or respond to that? And to the extent there have been changes in what is taking place on the ground, how does occupational health and safety policy respond to that or address that now?"

So that's the comment. I think there is value in doing that, and we are endeavouring to settle upon an exercise and a process by which that could occur.

B. Simpson: How is that process different from the Allman review that was done that looked at the Ministry of Forests and WorkSafe B.C., looked at where they needed to increase their coordination and also make sure that people knew that there was existing legislation that needed to be adhered to and communicate that? You know, the minister's comments about that kind of approach: it seems like Allman has already done some of that work. What's the status, then, of the Allman report?

Hon. M. de Jong: Relating back again to the discussion we had at the time, the distinction I saw emerge was the desire on the part of, in this case, the Steelworkers, but I think other stakeholders as well, to have a more direct role. We even had a discussion about whether we can settle upon an individual — not really an agency, but an individual — to coordinate that and draw on the expertise and advice from stakeholders in ways — without diminishing the value of the work — that perhaps Allman did not.

B. Simpson: The minister is correct. It's not just steel. I won't belabour the point, but TruckSafe manager Mary Anne Arcand has stated publicly that there's a lot of confusion because there are a lot of different formats and language between the Ministry of Forests and WorkSafe B.C., and some of those regulations actually seem to contradict each other.

Roy Nagel of the Central Interior Logging Association says they need to look at the whole regulatory framework on both sides, with a safety lens. He wants revised regulations, increased enforcement efforts, improved road design, etc.

There is a range of people who are calling for this. The Steelworkers did respond to Minister Coleman's suggestion, and the Minister of Labour was copied on that.

[1700]

Again, they've indicated that we need that more fulsome, public-based inquiry where people do get to tell their stories of what's going on.

For clarity for those who are involved in this, is the minister committing, then — whether it's finding a person or a panel or some way — that a full inquiry will be done? If so, when would that inquiry begin its work?

Hon. M. de Jong: I think it's clear that the parties discussed a process that would have a more public dimension to it. The term "inquiry" is a bit charged, so I'm not going to suggest to the member that it is something that falls within the ambit of the present or future public inquiry act. But it is, I think, an exercise that would engage more public involvement, involvement by the stakeholders.

I'll share with the member what I think I said to Mr. Hunt and the Steelworkers: that I saw little utility in an exercise that was built around the premise of, "Let's go back to the old days," insofar as I don't know many people who, if you asked them honestly, would profess much satisfaction with the old days either.

A process that involves achieving and understanding with how the two regulatory regimes work or don't work with one another and how that can be improved going forward is one that I think would be valuable and one that I am anxious to see occur. We are working to try and settle upon the terms of how that can happen now.

B. Simpson: The use of the word "inquiry" was not mine; it was the Minister of Forests and Range during that meeting. The possibility of using the Inquiry Act was also that minister's possibility that was raised with steel, not mine. With respect to the looking forward, I agree with the minister, and what I'm hearing people calling for is that look forward — however, with the view towards: how did we get to the situation that we're in?

From a change management perspective, a wide range of changes occurred: the coast master agreement, the flexible shifting, the Forest and Range Practices Act, changes to the Forest Act, changes to WorkSafe. So it still has to be part of the deliberations around what needs to be done in order to make sure that we have an integrated approach so that in the next few seasons we don't have the same issue.

I don't mean to be belligerent about this. Is there a time frame on this where the minister can suggest — you know, that 30 days…? Is it before summer begins when we might actually see something commence?

Hon. M. de Jong: I know that the Minister of Forests shares my view that we are anxious to see this proceed as quickly as possible and, in that sense, over the course, to have something up and functioning that enjoys a level of support and endorsation from the stakeholders who will need to be part of this over the next several months. That is, I think, a realistic time frame.

B. Simpson: To the minister: thank you. I look forward to that process commencing.

With respect to the safety coroner, a specific forest safety coroner was identified. Has that coroner conducted any investigations to date?

Hon. M. de Jong: Sorry, I don't know.

B. Simpson: Does a coroner exist?

Hon. M. de Jong: Yes. In fact, I think the announcement was made in the House around the individual that was appointed, so I know that the position has been filled. Undoubtedly the individual is at work. I just don't have the information here, and no one here can provide reliable information about the specific question.

B. Simpson: What will be the reporting function, then, of this coroner?

[1705]

It was an explicit, targeted area for this coroner pay attention to. How will it be reported back to the various stakeholders what that coroner's workplan is, what his intentions are in the near and midterm, and how that will relate to the other issue of an inquiry or an investigation of some kind on changes that need to be made?

Hon. M. de Jong: I should emphasize this point. Whilst I, the Forests Minister, the Solicitor General and the government ultimately saw great value in the suggestion — which, as I recall, came from the Steelworkers — around a dedicated coroner, none of us was happy about the need for it. But one is confronted by reality, and one says yes.

Based on where we are and what took place last year, there is obviously a need, and this can be a piece of an overall approach to try and wrestle to the ground these deplorable statistics around death and serious injury.

[H. Bloy in the chair.]

The reporting structure is no different than any other coroner. I don't want to leave the impression with the member that somehow this individual follows a different reporting path. In this case, it is him. He is dedicated because we saw value and a necessity, but the reporting structure is the same.

I'm reminded that, with the short time available, the member does yet have an opportunity to discuss with the Solicitor General the specifics around that reporting structure and the triggering points for decisions around inquiries versus reviews, and that sort of thing.

The second part of the member's question relates to the interplay between what a dedicated coroner may find…. There, for a review of the sort we have just been discussing, I think it's valid to draw on findings that might emerge from a coroner's review. I think that if a coroner made comments that were somehow relevant

to that review — and I'm not going to speculate on what they might be — these are all resources. The reason one has the review, the coroner's review or coroner's inquiry, is to learn from them.

To the extent that an ongoing review of the policy relationship might benefit from examining some of that material and some of those recommendations, I think that's entirely appropriate.

B. Simpson: I guess I'm struggling with this, because the appointment was made at the request of the other two ministries to address the issue that Steel raised. It was explicitly for the purpose of learning from those deaths and then articulating that with any changes we were going to make on this file in both forestry and in the Ministry of Labour.

With the reporting structure being the same, I'm just not…. Haven't we just added another player? You've got the Forest Safety Council doing something. You've got the Ombudsman out there doing something. You've got WorkSafe B.C. doing something. The Ministry of Forests has added safety people on the ground and in B.C. Timber Sales. Now we have a coroner. Again, it just seems like, rather than bringing everything together and learning, we're fracturing it even further.

My question to the minister…. Yes, there's a normative reporting structure, but is there some way that this coroner's reporting and the workplan for this coroner could be integrated more into the process that he was explicitly appointed to deal with?

[1710]

The Chair: Minister.

Hon. M. de Jong: I've put my BlackBerry down now, Mr. Chair.

Here is where, in part, I see the value and why I was immediately drawn to the suggestion. First of all, to have someone with specific expertise — not just around the notion of investigating deaths, as coroners do, but specific expertise and background in the industry — is something that others in the coroner's office wouldn't have at their disposal. We should benefit from that, and also, I think, from knowing there is someone who can be dedicated to the task of conducting an initial examination of every single death, armed with that background, and who can make an informed decision, based on that expertise and background, about what further review or investigation might take place.

I would never want to put words in other people's mouths, but I think, based on my recollection, that the Steelworkers themselves were insistent that this be someone armed with all of the powers of an ordinary coroner, which are significant. So to establish someone with coroner-like powers but not the authority afforded them by the act, in my view, would have diminished the value of the position.

I may be missing something, but I'm hopeful that we are going to achieve the best of both worlds here: someone armed with the statutory authority to conduct the appropriate investigation but who will produce material, reports and recommendations that we can draw on as we seek to improve the overall safety situation in forestry.

B. Simpson: We're not in disagreement or on different pages on this. The question is: how will that be accomplished in a very deliberate way? Again, you've got the Forest Safety Council out there doing its thing. You've got the Ministry of Forests doing its thing. You've got the Ministry of Labour doing it. You now have another agency, the Solicitor General's agency, with a coroner process. Yes, the coroner produces these reports, but where's the accountability that they actually go to some agency, explicitly, to fix the situation that's occurring in the forest industry — which is what he was appointed for?

The minister has indicated that the reporting structure is no different than anything else. But he was appointed for a very different reason. So let's take the value of the full powers. Let's take the value of the fact that this individual was explicitly appointed for a definitive purpose. All we need now is a reporting mechanism that makes sure this feeds into the system that already exists so that it's not lost in the Solicitor General's system and nobody pays attention to it.

[1715]

Hon. M. de Jong: The coroner, by the way, commenced his duties on May 1. In terms of the reporting — and this may be where I'm missing the essence of the point a little bit — the coroner will decide….

The member can and should pursue this. I was commenting on the fact that the Solicitor General is up tomorrow. We'll see how much trouble I can cause him by trying to answer these questions, but I do hope the member will pursue it with him.

The coroner will have options about the nature of the investigation, inquiry, inquest, and it was the latter, I think, in making the suggestion, that the Steelworkers were particularly interested in. In fact, if I think back, I think the Steelworkers were seeking a mandatory inquest in every forest death, and we didn't, in fairness, comply with that request. We said the decision around that will vest with the dedicated coroner. The coroner will make that decision about the manner of investigation and produce a report, and where they do make a report, in those circumstances where the act specifies, the report is a public report.

In fact, I'm alerted by officials from WorkSafe, they get those reports. They get them now. They are hopeful that with the individual now having a background in forestry, the recommendations, the insights contained within those reports will be that much more helpful.

I simply cannot imagine, given the focus that we are trying collectively, all of us, to bring to this, how that report and whatever recommendations are contained therein would not become the focus of intense scrutiny and consideration — never mind by the departments of government but by the Forest Safety Task

Force and all of the stakeholders that are involved. It is a very public exercise in that regard, although admittedly, the decision around the mechanism by which the examination review and inquiry takes place will be left to the coroner, Mr. Pawlowski.

B. Simpson: I will canvass that with the Solicitor General and see what trouble I can get into there.

Just a couple of quick points, because we do have to move on to other things. With respect to the Forest Safety Council workplan, the Forest Safety Council put that out for feedback from all parties. One of the things I gave feedback on to them was the fact that they were not examining fatigue, and yet the task force that was the precursor to the Forest Safety Council pointed out that fatigue was a significant factor. The Forest Safety Council has not looked at fatigue. They've not looked at things like the coast master agreement, flexible shifts and so on.

[1720]

With the Forest Safety Council not looking at it as part of their process, will the ministry be considering acting on what the task force said, which is that somebody needs to look at the role that fatigue plays in this industry as a contributing factor to the rate of accidents and fatalities that we have?

Hon. M. de Jong: I appreciate the reminder about the member's submission to the forest safety committee.

On the specific issue though, I'm just getting the update from WorkSafe. They've actually acquired some specific software that allows them to delve more deeply into this issue in terms of accident examination — the ability to track fatigue, hours of work — and begin to draw some conclusions around it as part of the investigation process. We mustn't tell the member from Maple Ridge, but I'm told the software has been purchased from the U.S. military, who have done extensive investigations into things like pilot fatigue and the impact on performance.

I'm happy to be able to report to the committee that WorkSafe is being proactive in acquiring an enhanced means to examine what is, I think by any measure, a very relevant part of the equation when considering performance and accidents.

B. Simpson: I've just finished a tour of the coast — the Queen Charlottes and all of the smaller communities. The coast master agreement and the flexible shifting have been pointed to by everybody as a significant cause of stress in the families, as well as the fatigue. Studies that are available on the website say that fatigue looks like drug and alcohol. My question to the Forest Safety Council was that they've got drug and alcohol abuse as one of their critical factors to look at, but the studies indicate that a lot of the symptoms of drug and alcohol abuse are also mirrored by excessive fatigue, which is what everyone is saying is going on in the industry.

I'll close off my section with one final question. Given that the new software capability is there, will WorkSafe explicitly target the forest industry for looking at fatigue and the impacts in that industry?

Hon. M. de Jong: I'm afraid I didn't convey that important part of the information I had received. That is happening now.

C. Puchmayr: Recently, there was a memorandum that we received that explained there were a lot of gaps and ambiguities with respect to the deregulation and where we need to go to deal with enforcement. I believe the minister made some comments with respect to that. My question is: what process is going to take place to overcome some of the gaps that are now being exposed and that many people, including this side, are linking to some of the deregulations, so that we can get back into some type of enforceable regulations that will prevent injuries and deaths in that industry?

Maybe I'll just throw out, as in my opening statement, with respect to surveying of roads as just one example of a direction where deregulation has gone too far and has provided a void in the ability of someone inspecting a road that is no longer engineered.

[1725]

Hon. M. de Jong: Let me say this at the outset. I don't think we've, and I hope I have never, conveyed a reluctance on the part of government to examine specific issues or areas where there is a case to be made for intervention or for review because the results or activities that are taking place are unsatisfactory. I hope the member will accept this proposition from me: I am not at all reluctant to direct the efforts of that part of government for which I have responsibility to conduct those kinds of analyses and examinations.

As we embark upon this discussion which I think we'll spend a few moments on, I want to again, in this forum, caution the committee and maybe myself for the challenge we face in trying to draw conclusions and trying to make connections — the strength of which may be suspect. Only because I was preparing for this estimates discussion and, as I usually do, asked some basic questions…. Here's one. I think this also related to the Day of Mourning that we witnessed and participated in a few weeks ago in Vancouver at the PNE. I said: what about the number of fatalities suffered by workers? I note, just to take some numbers, that in '97, I'm told, we had 164 workplace fatalities. In 2004 we had 134.

Now, I should round out the number. Last year we had 188, a large number of which were attributable to the forest sector. We've just talked about that.

I mention those numbers because they are, I hope, a source of embarrassment and outrage to all of us but also because we have to be careful about the analysis we apply. Does it follow that in 1997 the prescriptive set of regulations that I think the member is harkening back to were meeting their objectives? I don't think they were. Again, I'm loathe to draw that kind of conclusion, because I'm not sure how accurate it is.

While I accept fundamentally the principle that we should be prepared to examine areas where we are not

getting the results and where we think there may be enforcement mechanisms lacking or indicators lacking or standards or regulations lacking — we should always be prepared to do that — I react a little bit to the proposition that says there is a direct link generally between a results-based regulatory structure and what's happening. The numbers, on the face of it, at least, don't seem to bear that out, particularly when you consider that we've got far more people working in British Columbia than was the case in a year like 1997. That's not to in any way truncate or dismiss the importance of the discussion we're going to have here, but it does, I think, signal to the member the bias — to the extent that one can call it a bias — that I confess to having as we have that discussion.

C. Puchmayr: I know the minister is on record making those statements in the past. I did a little bit of research into it and found that there were some significant changes made after those results in the '90s. Those changes to the practices code and certainly the regulatory changes that happened, and the enforcement, actually assisted in reducing fatalities in the workplace. I think you can make some direct links to that.

[1730]

I'm thinking that if things were that bad then, and after knowing that in 1997 we had a lot of fatalities, why in 2002 would the government go back to stripping 30 percent of regulations and putting that to all the ministries as a goal, when they're aware that there have been problems in the past with the lack of regulations? It's a little puzzling that we would learn from '97, take the actions in '97-98 and then strip those and go back to a system that is causing some problems now, where even companies such as Woodward and Co., the solicitors to the Forest Safety Council, make reference to the gaps that are created.

I think we need to not keep trying to find skeletons in the past. We need to look at what's happening today. What do we need to do today? What are people telling us today, and where is this government going with respect to making those changes?

We're hearing it from the workers in the field. We're hearing about the fatigue. We're hearing about the long hours — 11½-hour shifts, ten in a row — that drivers are driving and that fallers are falling. It's absolutely unbelievable what those workers are exposed to. I talked to workers' families. I talked to loggers' wives that tell me that their husbands come home, after their ten 11½-hour shifts, walking zombies. They're fatigued all the time.

The restructuring of that industry — not in 1997, but I'm talking about the restructuring of that industry, now, in 2002 — is creating some issues. We've looked at the regulations in the past. We look at the regulations currently. We see some glaring results that you could very easily link to some of what is happening today.

One of the things that we would like, because of that, is to look at the regulations and to see where those gaps and ambiguities are and bring in regulations and legislation that are necessary to do exactly what we're supposed to do as a prudent government: to protect our citizens, protect our workers in the field. I think that the only way to do that is to have a really good look inside, not to the past, to what has been created in the current.

We're talking about this government. I wasn't around in the 1990s; I wasn't involved in this government. I'm here to look at what we can do to make things better from what we're exposed to today and from legislation and deregulations that were brought in by this government.

That's the go-forward in my position. That's what I'm looking forward to working on with the minister, with the government, with organized labour, with the Truck Loggers Association, with the wives of loggers and with all the players in the field. That's what I'm hearing. I'm hearing that they need to ensure that those people are going to work in the morning and coming back safely at the end of the day. There's a long way to go to get there.

Now, in the brief time I have left, if the minister approves, I would like to go to a couple of questions on WorkSafe B.C. Unless he wants to respond to the last comment, we can go right to WorkSafe B.C.

The first question. With respect to the last year, I would like to flag the surplus reported. What is the surplus to the Workers Compensation Board?

[1735]

Hon. M. de Jong: The number I have is for the calendar year '05, which coincides with fiscal year '05, and that number is $474 million.

C. Puchmayr: What was the projection heading into '05? What was the projection of the surplus prior to that?

Hon. M. de Jong: The anticipated surplus for the same period was between $200 million and $250 million.

C. Puchmayr: The reduction in the workers' lifetime pension is certainly very controversial from this side. Could the minister tell me: what savings were generated in 2005 from the reduction of the lifetime pension?

Hon. M. de Jong: I thought the member would want to explore the surplus. Let me disclose, as best I can, what contributed to the surplus for '05. We certainly had an increase in the amount of premiums that were paid above what was projected — $170 million in premium income in excess of what was originally estimated. That was attributable to economic expansion.

I actually have a number that is interesting for me, and here's one that the member may want to record. This is admittedly a comparison between the mid-90s and 2005, so a ten-year comparison. We had just under 150,000 registered employers in '96. By 2005 we had almost 185,000 registered employers, so that speaks to the issue of, obviously, increased employment, economic activity, but also the $170 million in premium income above estimates.

It was a good year, '05 was, for investments. I can give the member, if he likes, more information on the nature of the kinds of investments that WorkSafe makes. For pensioners, it holds, obviously, moneys in trust. Those moneys are invested, and that accounted for $90 million in excess of the original estimates. Then there was the significant amount — and this is, I guess, what laypeople like myself refer to as book entries — of $200 million that previously showed up on the books as liabilities associated with backlog cases and backlog appeals.

[1740]

As long as those thousands of appeals remained on the books, the actuaries required the carrying of that debt instrument to the tune of $200 million. The elimination of those backlogs and those cases reversed that charge that previously showed up on the books to the tune of $200 million. Just roughly, that's $460 million, $470 million. That's how that amount can be accounted for.

C. Puchmayr: Well, the cases of loss-of-income awards went from 737 down to 11. The loss of income is from $2,500 a month to some getting, under the new regulations, as little as $50 a month. Would the minister not agree that that contributed to some of the surplus?

Hon. M. de Jong: The member will correct me if I have misinterpreted the essence of his question or submission, which I think goes like this: that, in part, the surplus is attributable to having paid out fewer benefits as a result of changes in policy. And there have certainly been changes in policy.

If I can begin by conveying to the member — and I wanted to verify this with WorkSafe officials — that we actually pay out more in benefits. For 2005 it was $374 million. The comparative figure for ten years previous was $215 million. The member is right. Some of the criteria that are applied for determining entitlements have changed, and it will take time for us to work through and for some of those claims to be processed. In '05 we actually paid out more in terms of benefit payments, so it would be incorrect to suggest that the surplus that we were referring to is attributable to a decrease in benefits paid.

[1745]

C. Puchmayr: In 2005 the projection for vocational rehab was $13.9 million, which was a drop of $4 million from the previous year. The amount of money spent on vocational rehab was only $1.7 million, which means that different criteria for how you apply in the short window of rehabilitation now apply compared to before. Obviously, that's a saving — through regulation.

Hon. M. de Jong: I'm glad the member asked this question, because I'm not sure we dealt with this in the other House in a question period or in some other context.

I think I know where the member gets the figure, and when I investigated…. I'm in the annual report, at page 65. It refers to vocational rehab, and it says that — $1.5 million. In fact, the figure refers to something quite different.

I will make this offer to the member. We've got the official from WorkSafe here. This committee room entitles me to provide that official with an opportunity to explain the financial statement and why that vocational rehab figure that appears there doesn't reflect what the member — and, quite frankly, what I — might have thought it reflects. In fact, the amount spent on vocational rehab has increased by $1 million and now stands at $48.75 million.

If the member would like, I'm happy to ask the official to explain why that figure would appear in one part of the annual report and point the member to the part of the annual report that reflects the $48.75 million figure.

C. Puchmayr: I will accept that briefing, but it should be noted that prior to the changes, I think it was at $175 million, and it certainly has drastically gone down, even to that number.

But noting the hour, I will agree to a supper recess.

The Chair: Committee A will now stand recessed until 6:45 p.m.

The committee recessed from 5:49 p.m. to 6:49 p.m.

[H. Bloy in the chair.]

On Vote 36 *(continued)*.

H. Lali: I'd like to start off by taking the opportunity to recognize staff who are here and also to pay my compliments to staff, because I know they do a great job year-round in terms of the support they give not only to the minister but also to the ministry. I would also ask the two senior staff members who are here to pass on my compliments to other staff who they work with.

[1850]

Having said that, I just want to turn attention to the Citizens' Services portion of the minister's ministry. We don't have a lot of time, so I'm going to try to rush through some of the questions as much as I can and probably leave the preambles to a minimum.

On the resources side of the ministry, I'd like to ask the minister: why has the amount projected to be spent on service delivery to citizens grown by $4 million since the service plan update last fall?

Hon. M. de Jong: The largest components of that are accounted for…. There was an uplift in funding of $600,000 to the government agents; the common information technology service receives an additional $2 million; and the security enhancement project relating to information technology, a $1.8 million lift.

H. Lali: I noticed that there's also an increase to the service transformation. I'd like to ask: why has the amount projected to be spent on service transformation

grown by $8 million since the service plan update last fall? Coupled with that is: why has the amount projected to be spent on governance grown by $2 million since last fall?

Hon. M. de Jong: The service transformation actually is a very good story, as it relates to the broadband connection project with first nations communities and ensuring that those communities have access.

[1855]

Now, I should say this. We are continuing to look for additional matching funds from the federal government as part of an overall coordinated strategy, but this is something that the government has already invested significant dollars in. First nations are, of course, very much interested in seeing this become a reality in all of their communities. In fact, I was just watching the Knowledge Network a couple of days ago and saw some of the opportunities that first nations…. Actually, ironically, the member may know this. A teepee producer or a log home producer in Princeton…. I think the teepee producer was actually in the Smithers area. First nations are finding access to opportunities and customers and suppliers via their connectiveness through the Internet. That's what the $8 million is for.

H. Lali: I guess the second part of that was the increase of $2 million in governance. I'll just wait for the minister to find the answer for that.

While he's doing that, I would also ask…. The amount projected to be spent on executive support services has also grown by $1 million. Perhaps he could provide an answer to that and also on the governance side.

Hon. M. de Jong: There are two parts to the question. I'll try to cover them both.

On the governance side, I mentioned earlier the security enhancements. I should further particularize the involvement of the Chief Information Officer role and receipt of additional moneys, which represents the bulk of the $1.009 million. The member will know that as a result of both an internal review and some recommendations from the Privacy Commissioner, the Chief Information Officer is going to play an expanded role across government from the point of view of security and security preparedness.

On the executive and support services side, much of that can be accounted for in some significant shifts that have occurred. The member will know, for example, that B.C. Buildings Corp. has returned, after a 20- or 30-year existence separate from government, back into the governmental fold via this ministry.

[1900]

There is also provision made within that amount for unspecified, at this point, but additional security-related issues on the information technology side.

H. Lali: I was just comparing this year's estimates with last year's. There's a line. It used to be "Public service operations" — $131.8 million. In this year's estimates, that line is called "Shared Services B.C.," and it's $133.4 million. I was just wondering if the minister could tell me if it's just a change in the names, or is there something more philosophical, or something added or subtracted, that is the main reason for the change in the name from "public service operations" to "Shared Services B.C."?

Hon. M. de Jong: The name change that the member has noted is not insignificant. It's an attempt to more accurately reflect the emphasis that we are trying to bring to the objectives behind what this area of the budget does. But the biggest single change is, again, bringing BCBC back into the fold through accommodation and real estate services. That is what accounts for the $2 million difference that the member correctly noted in his previous question.

H. Lali: There are 14 fewer FTEs now projected to be employed in executive and support services in 2006-2007 than there were projected according to last year's plan, even while the budget has increased over last year's estimates. Could the minister explain the reason for this reduction in staff?

Hon. M. de Jong: I'll try to get more specific details. Roughly speaking, I can tell the member at the outset that the fiscal difference relates again to the BCBC shift.

[1905]

The discrepancy between FTEs going down and money going up is attributable to that. The member may have more specific questions, though, about the number of FTEs. I can endeavour to get that.

H. Lali: In the recent service plan update, it was projected that there would be 965 FTEs in the shared services area in this fiscal year. So why the jump in FTEs in that area from the 965 projected in the last estimates compared to the 1,233 now projected for this fiscal year?

Hon. M. de Jong: That's an astute observation. That, I am advised, is attributable virtually entirely to bringing BCBC back within government.

H. Lali: What's the reason for the near doubling of the capital budget for shared services from $74.8 million in '05-06 to $129.3 million this year? This is also a substantial increase over the $80.6 million that was projected for this area in the last round of estimates.

Hon. M. de Jong: Can I just get the member to repeat the numbers he used, to make sure we're literally on the same page here?

H. Lali: Yes. The number I used for the near doubling of the capital budget for shared services from $74.8 million in '05-06 to $129.3 million this year. This is a substantial increase over the $80.6 million that was projected for this area in the last round of estimates.

Hon. M. de Jong: That is basically in its entirety attributable to the BCBC transfer back within govern-

ment, with the noted exception of some modest capital funding for the common information technology service to support the technical network infrastructure.

H. Lali: The member for Surrey–Panorama Ridge has a couple of questions, because he has to leave. It's going to be on a different topic.

J. Brar: I have a couple of simple questions, Mr. Chair.

The background of the question is that in late November, 2005, accommodation and real estate services, formerly known as BCBC, listed a property in Victoria, B.C., for sale through a real estate agency for the asking price of $1.975 million.

A constituent of mine asked his real estate agent to write an offer of $2.050 million in the BCBC format, with acceptance of all the BCBC conditions, and to present that offer to BCBC representative Mr. Jim Baker. This offer was not accepted, even though it was confirmed by BCBC head Mr. John Heath that this particular offer was the highest.

In the minister's response letter to my constituent, the minister clarified that there were some specific reasons why the lesser offer was accepted, mainly because it was felt that the other offer had a higher probability of closing on a set date.

[1910]

However, the minister failed to mention that the accepted offer was made by a small business man who makes regular donations to the Liberal party — over $6,000 from 2003 to 2005.

The minister also writes in his response to my constituent: "BCBC is responsible for disposing of properties in a manner that attempts to maximize the benefits received by the corporation and, through the corporation, the taxpayers of B.C."

My question is: would not the highest possible return on the sale of a property be of most benefit to all British Columbians?

Hon. M. de Jong: Let me say a couple of things: First of all, the disposal of assets by BCBC, and now its successor organization within government, is done entirely on the basis of protecting the best interests of the taxpayer.

I wasn't clear on the somewhat cryptic reference to partisan political donations, but I want to assure the committee, on the record, that that is absolutely irrelevant insofar as any consideration given at the time of that asset disposal. I didn't quite understand the nature of the member's submission, but I will make that categorically clear.

In the case that the member is referring to, I think he may have referred to a letter that I sent or that was sent to the individual. His question, however, related to general policy. Yeah, the general policy would be to exact the best, the highest possible return for the taxpayers.

BCBC and its successor organization, accommodation and real estate services, will make assessments around the likelihood of closure and will make decisions around the offers that they receive, particularly if there are conditions attached to those offers. Where there are competing offers and one is conditional upon certain things happening that are more certain to occur than another offer that has other conditions, they will make an assessment. Part of the assessment about getting the best return for the taxpayer is the likelihood of a deal closing, and the professionals within the organization will make determinations around that.

I hope the member will understand that when I receive information that suggests a situation has developed where the Crown hasn't accepted the highest bid, then I am interested. That's why I made the inquiries that I did in this case.

[D. Hayer in the chair.]

The policy that determines final decisions around closure and the acceptance of offers is as I have just described it. It's built, obviously, around price and, secondly, around an assessment of the likelihood of an offer coming to fruition in a timely way.

J. Brar: I appreciate the response. The minister did mention about the policy. Does the minister have a clear set of rules, a particular public policy, as to how these properties are disposed of, particularly to ensure that the process is not widely open for abuse, corruption or favouritism? I would like to ask the minister to respond to that. If that policy is there, I would like to have a copy of that.

Hon. M. de Jong: Because of the situation that the member raised, I presume that he is interested in the asset disposal policy as it relates specifically to real estate and property. The answer to that question, if I'm correct, is: yes, there is a specific policy; yes, it is available; and yes, I will gladly provide it to the member.

[1915]

H. Lali: Just a follow-up to the questions of the member for Surrey–Panorama Ridge. I, too, have had a chance to talk to his constituent, and his constituent informed me that the real estate agent that he was dealing with — his real estate agent; the constituent's real estate agent — when asking the representatives at BCBC why his bid was not accepted, even though I believe it's $75,000 higher than the winning bid…. The response he was given was that he was not local.

I'd like to ask the minister: is that the policy that is being followed by BCBC, that when bids are being made, people have to be local, or can people who are not local also apply for those bids?

Hon. M. de Jong: The policy does not provide for any preferential treatment to be given on the basis of locality.

H. Lali: Again, this constituent was told this. Really, what I'd like to ask the minister is…. You have, presumably, a number of business people who have

made bids, and one is successful. Their bid is $75,000 lower than the other bid. Is it not in the best interest of BCBC, through which the government, obviously…. You've got a chance to bring in an extra $75,000.

The reason given to him verbally was that it was because he wasn't local. I mean, what is local? Do not all British Columbians have the right, regardless of whether they live up in Merritt or Williams Lake or Victoria and the lower Island — where the property happened to be…? We should be looking at the prospect of bringing in as much money as possible for the government coffers, while at the same time not denying people who don't live in that locality the right to have a successful bid.

Hon. M. de Jong: I actually agree, very much, with the part of the statement that says "all British Columbians." The name of the game here is to realize the best value for the taxpayers without showing preferential treatment based on locality. We are, after all, selling an asset, real estate, that the people of B.C. own, and selling it on their behalf. Therefore, the people of B.C. would expect the Crown to obtain the best possible return for them.

It's interesting, of course, that we apply, now, a very similar approach to the sale of other resources in B.C., and we don't get quite the same response from the opposition with respect to applying a similar approach. Be that as it may, what I want the member to know is that when….

First of all, I can't account for what the individual constituent's real estate agent may or may not have told them. I can tell the member and the member for Surrey–Panorama Ridge this. In assessing all offers, the BCBC and now accommodation and real estate services will examine the offer, will obviously look very closely at the price being offered, but will also look at the conditions that are attached to that offer to make an assessment about the likelihood of those conditions being satisfied prior to the offer closing. They will also be cognizant of the length of time that various offers would purport to tie the property up.

[1920]

Having made all of those assessments, they will come to a conclusion about which offer to accept. Occasionally that will result in an offer that is not the highest monetarily, on the face of it, being accepted. I don't doubt that for the individuals involved in making the offer — the higher offer that wasn't accepted — that is cause for frustration.

J. Brar: I have trouble understanding the policy which states "the benefit to British Columbians." From a commonsense point of view, the benefit to British Columbians in this situation is money. This person is offering $75,000 more than the other person. I understand the concept of closing the deal. I have been troubled with this concept that his $75,000 more was, in any way, less than some other important issues in this deal, to close the deal.

My question will be: whatever the other issues were to close this deal, was that made known to this person — like, this person had access to the same information? My second question to the minister will be: where is the accountability? If somebody has an issue like this, how do you…? Is there any appeal process? How do you make sure that this process is working for British Columbians?

Hon. M. de Jong: Well, we are engaged, in part, in that accountability right now. The member, as is quite proper, is posing questions about the policies and the application of those policies as they relate to the disposal of significant, valuable assets and about the basis upon which decisions are made.

We hire professionals. We rely on those professionals to market those assets, to derive the best price possible. Frequently, the kind of discussion we have in chambers like this is the opposite of what we're having — representatives, MLAs, urging government to transfer property at well below market value to worthy causes within the community.

The member has highlighted for me the difficulty he is having with the concept. I grant the member this. When a situation develops where there are competing offers and the agents for the Crown — accommodation and real estate services — opt for an offer that is not the highest, it is worth examining the basis upon which that decision is made. I did and sought clarification, on the basis of the representation that had been made, and provided the response, which the member has. I don't actually have it with me here today, but the member sees the detailed response.

To step away from that specific example, as a way of illustrating the point, if we are selling a piece of property and an offer comes in — and I'll make up the numbers — for $125,000, but there are conditions attached to that offer, and there are approvals required, and it is unlikely that those conditions are going to be satisfied except through the passage of a great period of time, and even then it is doubtful in the minds of the professionals that government hires to assess these things; and there is a second offer, for $100,000, but there are no conditions attached, and the offer can complete the following week; then there is an assessment that takes place.

[1925]

I don't do it. The professionals decide, on the basis, ultimately, of what's in the best interests of the taxpayer, whether to take the lower offer that is immediate and guaranteed, or to wait and hope that the higher offer comes through. They make that assessment as best they can, armed with their experience and expertise.

[The bells were rung.]

Hon. M. de Jong: We'll take this up later.

The Chair: Members, division in the House. We'll recess for ten minutes.

The committee recessed from 7:26 p.m. to 7:35 p.m.

[D. Hayer in the chair.]

On Vote 36 *(continued)*.

H. Lali: Just to finish off on the questions that my colleague was asking earlier. My colleague and I would both be interested — and I know the minister's committed — in finding out some more details in terms of the policy and how consistent the policy is in terms of people making bids for property owned by the Crown.

I want to turn my attention to the freedom-of-information side of things. I'd like to ask the minister a question now. Why does this government not enact all of the positive recommendations on FOI budgeting and reform from the final reports of the 1999 and 2004 all-party legislative committee that studied the Freedom of Information and Protection of Privacy Act? I mean, some of these can be done by regulation without amending the FOIPPA act.

Hon. M. de Jong: Let me begin by emphasizing to the member that the government continues to take the recommendations that flowed from the committee very seriously. I will make this confession, however. Since I have been on the job, there has been in the ministry a preoccupation with some of the issues arising out of the Patriot Act and, more particularly, the government's attempt several years ago to properly protect the information of British Columbians against the Patriot Act.

We saw some of the results of that work included in the bill passed in the House. The opposition was supportive, I think, of the majority of those proposals but took exception to several of them. That does not, however, take away from the fact that a lot of the policy-level attention and energy spent within the ministry around this legislation was on those initiatives.

Having said that, we have identified, as the member correctly pointed out, about eight or nine of the recommendations that do not require legislative intervention but fall squarely in the realm of policy. Three or four of those have already been acted upon. In the weeks and months ahead, we will continue to work with the Privacy Commissioner on discussions around the remaining recommendations and a host of others.

Some of them, of course, are very complex in terms of the resources they would require. There are significant legal implications that need to be thought through. I say none of that by way of excuse, because these are recommendations from an '04 committee report. But I do, as I said at the outset, emphasize to the member that the policy and legislative drafting energies of the ministry have been somewhat preoccupied with the labours that were revealed in Bill 30, which passed through the House several days ago.

[1940]

H. Lali: I just want to shift the focus. In May of 2003 the Freedom of Information and Privacy Association wrote that "one of the more worrisome of government information-handling activities is the way it singles out certain FOI requests for special treatment." I'm quoting here; I should have said that from the beginning.

I'll actually quote it all so that I make sure it gets in as a quote.

> One of the more worrisome of government information-handling activities is the way it singles out certain FOI requests for special treatment. The government's corporate request tracking system, CRTS, allows each ministry to award a 'sensitivity ranking' to each new access request. A request is assigned a sensitivity of high, medium or low, or not at all.
>
> Research shows that FOI requests given higher ratings receive discriminatory treatment, resulting in greater obstruction and delay. Prof. Alasdair Roberts, the leading researcher into Canadian FOI laws, says that requests are marked in this manner for political reasons. About six out of ten sensitive requests missed the statutory deadline, compared with just over three in ten of those with low sensitivity. In addition, sensitive requests take longer to finally be completed than others.
>
> Finally, applicants making sensitive requests are more likely to withdraw them. This could be due, suggests Roberts, to high fee estimates or delays.

My question to the minister is: does he approve of this practice of labelling? If not, will he take steps to eliminate it?

[1945]

Hon. M. de Jong: Just a few things, perhaps, preliminarily, and we can delve into this in more detail.

I think the essence of the member's question was my reaction to the rating system that's in place. Initially, I can say this. The notion of rating the requests that come in pursuant to this legislation is nothing new and dates back to '93, which I think was the advent of the early days of the legislation itself. The system that is in place now actually dates from March 2000, so it was established at that time.

In general terms, it relies upon the information policy and privacy branch to examine the request that is made, and rate it, in large measure, to help expedite those that can be dealt with more quickly, and in some cases to identify the ones that are more complex. They're going to involve higher volumes. There is a provision for recognizing whether or not the matter has been the subject of a great deal of public commentary. So to the extent that there is a sensitivity rating around that, that is part of the exercise.

I will make this point, as well, at this stage in the discussion. The officials within the information policy and privacy branch, as they are applying the ratings to the request, do not have access, I am advised, to the name of the applicant. They do so without regard for who has made the application but, rather, with a view to trying to assess the complexity, size and work involved in responding to the application itself.

H. Lali: In May of 2005, FIPA also wrote:

> By all reports, support and administration of the FOIPP Act are at a ten-year low. Fees for FOI requests are up, response times are longer, and information is harder to get under the new administration. Only about one in six access requests results in full disclosure of the records

sought. Fewer than half of FOI requests for general information are processed within the required 30-day time period. The number of requests taking more than the required 30 days increased to 53.4 percent in 2004 from 45 percent in 2002, in spite of the change allowing public bodies 30 working days rather than 30 calendar days to respond.

In his annual reports the Information and Privacy Commissioner has repeatedly indicated that the foremost problem in the FOI process is excessive delay in responding to requests. My question to the minister is: does he think actions should be taken to reduce delay in responding to FOI requests?

Hon. M. de Jong: In short, I think we can always do better, try to do better.

There are a couple of issues raised in the member's submission. First of all, I'm advised that fees associated with applications under the legislation have not changed since the act was created. So the member may want to tell me more about the observation he's made. My information is that fees have not changed in over a dozen years that they have been in place.

[1950]

On the time period, I have these numbers that have been provided to me for the years '03, '04 and '05 as it relates to average response/processing times. In '03 an average of 31 days; in '04, 42; and in '05, 33.

In '03 the average for 4,654 requests was 31 days. In '04 the average for 4,799 requests was 42 days. In '05 the average response time with respect to 12,784 requests was 33 days. There was, obviously, a significant spike in requests pursuant to the legislation in '05. I am advised that that relates, in part, to a specific campaign that was ongoing at the time.

[H. Bloy in the chair.]

H. Lali: Stephen Hume wrote in March of this year:

Imagine my dismay to discover that the government run by this paragon of openness proposes a fee of $172,947.50 for access to information that until 2001 it made public at no charge. Randy Christensen of the non-profit Sierra Legal Defence Fund was forced to file a freedom-of-information request to discover which companies in B.C. are failing to comply with pollution permits — a list published twice yearly for decades — and then was threatened with this huge bill.

B.C. was the first Canadian province to identify companies not in compliance with pollution regulations. That policy attracted international attention. In 1999 researchers at the World Bank waxed enthusiastic over the B.C. model for holding polluters publicly accountable.

I just want to read into the record a letter dated July 22, 1998, to Mr. Darrell Evans of the B.C. Freedom of Information and Privacy Association. It says:

Dear Mr. Evans:

I am writing to express my enthusiastic support for the campaign for open government. Open government is the hallmark of a free and democratic society. Access to government information helps us as the official opposition and others hold the government to account, and accountability enhances democracy.

When government does its business behind closed doors, people will invariably believe that government has something to hide. Secrecy feeds distrust and dishonesty. Openness builds trust and integrity. But FOI is not just a tool of opposition. The fundamental principle must be this: government information belongs to the people, not to government.

This means, among other things, that all citizens must have timely, effective and affordable access to the documents which governments make and keep. Governments should facilitate access, not obstruct it.

It was signed on July 22, 1998, by Gordon Campbell, MLA, Leader of the Official Opposition — the now Premier.

So my question is to the Premier. Why was this $172,947 fee charged to the Sierra Legal Defence Fund, and how did the ministry justify it? Please break down the costs and itemize.

[1955]

Hon. M. de Jong: I'm at a bit of a disadvantage with respect to the specific application. I can say this: the fee schedule is provided statutorily, and ministries then apply it and calculate on the basis of their interpretation of that statutory provision and the request they have received.

The key point here is that under the legislation an applicant who objects to the determination has the option of taking that to the commissioner for a determination on its reasonableness. I don't know, in this case, whether that was done or what the result of that determination by the commissioner would have been.

The Chair: May I remind all members they're not to use personal names of members of the House.

H. Lali: Noted. I apologize. I guess I should have said the now Premier, and I think, in my question, I called the minister the Premier.

A Voice: The future Premier.

H. Lali: The future Premier.

K. Krueger: I notice he didn't complain.

H. Lali: No, he didn't. He's got a little smile on his face.

I'd like to ask the minister now: does the minister think that…?

Well, first of all, contrary to what the letter from the then Leader of the Official Opposition, who's now the Premier, writing about all the great and wonderful things that should happen in terms of freedom of information and privacy, and if he were to form government, he would do all these great and wonderful things and live up to them…. As a matter of fact, we've gone backwards in the last five years in terms of British Columbia.

Actually, the government has attempted to restrict public access to information through changes to FOI and the Public Inquiry Act, not to mention that there

have been cuts to the Auditor General over those years. There have been cuts to the Ombudsman, cuts to the freedom-of-information office. There's also the outright elimination of independent watchdogs such as the Human Rights Commission as well as the Children's Commission. Bill 75, the Significant Projects Streamlining Act, which also allowed government to override municipalities, is another area.

B.C. Ferries, Maximus, B.C. Rail. You know, the sale of B.C. Rail, as well as if you look at the moneys that were used from the sale of B.C. Rail for NDIT, the Northern Development Initiative Trust…. The Southern Interior Development Initiative Trust, the Vancouver Island initiative trust. All of these are now exempt from being FOIable, as we call it.

You can't request the information through freedom of information. You'd have to talk to these entities yourself and then try to…. It's like trying to pull teeth or pry out a nail with your hands in terms of actually trying to get information. There's been a significant move over the last four or five years by this government to make it tighter to try and get information. All sorts of entities and individuals have been complaining like they never have complained before in terms of not being allowed….

As the Premier would say, government information belongs to the people, not to government. So the people want their information. They can't get access to information. I'd like to ask the minister: does he think the FOIPP Act should be extended to quasi-governmental bodies that are currently exempt, such as the new B.C. Ferries Corp., the 2010 Olympic Games VANOC organizing committee and a number of the other entities that I mentioned?

[2000]

Hon. M. de Jong: I'm not sure anything I say is going to convince the member that his earlier submissions are inaccurate, but I will endeavour to make a couple of factual points. We have added over 50 agencies to the almost 2,000 that are covered by the FOI legislation, so it is simply factually incorrect to suggest that the government has tried to restrict application of these legislative provisions. We have the broadest coverage of anywhere in Canada, and the government's record, with respect to embracing the notion that citizens have a right to know, stands there for all to see.

It may not be convenient in terms of the political rhetoric that often gets bandied about in the course of discussions around these subjects, but this is the government that actually extended the question period. Maybe that's not a big deal — most days it's not — but that is not the act of a government that is trying to hide or restrict opportunities for citizens to know. Via their representatives within the official opposition, they now have an expanded period of time within which to probe, in a very real and specific form, some of the issues that are of importance to them and their constituents.

The steps we have taken with respect to the Privacy Commissioner and his office…. The fact that the Privacy Commissioner himself was reappointed is a product of legislation that was not permitted in the original version. The government brought legislation — which I think, to be fair, enjoyed the support of the opposition at the time — to reappoint an individual who, under the original legislative provisions, did not qualify for reappointment — again, hardly the actions of a government that is trying to frustrate the laudable and noble intentions of the legislation in the first place. That an all-party committee of the Legislature would review the legislation, now statutorily required every six years, is a product of the government.

I know it's convenient and, I suppose, tempting to somehow try to perpetuate an argument that the government has endeavoured to restrict access. In fact, nothing is further from the truth. I want to say to the committee and to the member: nothing could be further from the truth with respect to my own commitment to the notion of openness and the fact that citizens do have a right to know. It's why we are considering provisions that would require the disclosure of material as a matter of course, even without the application by a citizen or agency, and would impose that obligation on government at the outset to disclose material.

[2005]

We shouldn't allow freedom-of-information legislation to become a shield for government to use to restrict the flow, if is there to become a shield for government to use to restrict the flow. It is there to facilitate the flow of information from government to citizens. That's my view of it. That's what I believe should happen.

As we continue to work through this, I want the member and the committee to know that we will continue to avail ourselves of the services in the offices of the Privacy Commissioner, who has generously made his resources and experience available to us — and, I think, to members, actually, on both sides of the House — to provide us with his views and his thoughts, comparatively and otherwise, on what is taking place in the world of information and privacy protection.

We can continue to discuss it. I'm sure, at the end of the day, we'll agree to differ. It won't surprise the member to know that I point to some very specific examples of efforts the government has made to actually broaden the coverage and facilitate the exchange of information between government and citizens.

H. Lali: Well, the minister listed off a number of things in terms of what he feels are accomplishments of this government in terms of openness and accountability, having mentioned specifically the question period. I'm sure, as Government House Leader, he'll recall that this was an idea of the Leader of the Official Opposition, who had approached the Premier that the question period should go from 15 to 30. Yes, some kudos should go to the Premier for having agreed to that, but it was an idea that came from the opposition benches.

The minister says we are working towards more openness, but I just want to talk briefly about a senior

B.C. government official whose name is Ken Dobell who recently stated publicly that: "I delete my e-mail as fast as I can." This highlighted a harmful trend toward a more oral style of government where as little as possible is written down in order to avoid FOI requests.

I was wondering what the minister's position on these practices is. I wonder if he advocates any specific remedies to ensure the creation and preservation of public records. Also, I just want to point out that following the tainted-blood scandal, even Ottawa passed a law to penalize the improper shredding and alteration of records by officials in the federal government. So I'm wondering if the minister will advocate the same for the provincial government.

Hon. M. de Jong: I am confident that my use of e-mail will withstand any scrutiny.

H. Lali: Well, I don't know if the minister really provided an answer there. I wasn't specifically referring to his use of the e-mail.

I was referring — and he knows quite well — to the practice of trying to, basically, do an oral-style government as opposed to a written form or communicational in that regard. I just wanted to get the minister's opinion if he would advocate any specific remedies to ensure the creation of and, also, the preservation of public records, in light of the breach of security issues that took place a couple of months back, and the minister's quite familiar with. Also, if he would advocate the same for the provincial government, in terms of what they've done for Ottawa, at the senior level of government.

[2010]

Hon. M. de Jong: I think the member raises two issues. I'll deal with one, and perhaps we can come back to the other. On the document preservation side, I think the member will know that government's actions are guided by a strict set of statutory obligations and policies that flow from that. There is a Document Disposal Act that governs the circumstances under which documents may be destroyed and in what circumstances. There are strict filing policies, which govern the manner in which data and documentation is stored.

I was not aware this was an issue that engaged the member's concern. I'm interested to hear more about it, but the storage of the documentation and data that government produces from the point of view of complying with the obligations that exist to maintain that storage are being fully complied with and, I believe, will withstand any comparison with any other jurisdiction in North America.

I expect the member may have some questions relating to security matters. Fair enough. But I was not aware he had harboured any concerns about the fact that government is keeping the documentation that it is obligated and must keep.

H. Lali: I just want to go back a couple of questions. Earlier the minister had indicated that the government is actually moving in the direction towards openness and accountability, and that things are a lot better now in that regard than they were five years earlier when the Liberals took office. I just want to point out that the government has actually put a lot of barriers in place. I've talked about a few of them that are already on the record in terms of access.

It's beginning to achieve results, the barriers, in terms of what the government is trying to do. The number of requests made by what the government FOI tracking system calls "interest groups" has dropped dramatically over the past three years from 302 in the year 2002 down to 143 in 2004.

During the 2001 election campaign the Liberals had stated that: "Our commitment to open government means providing a stable funding base for the Information and Privacy Commissioner's office to ensure that it has the resources to discharge its statutory duties." Yet following that election, the Liberals broke this pledge almost immediately by slashing the commissioner's budget by 35 percent over three years.

If you compare that with what's going on in Alberta, you'll find that the office of the Alberta commissioner, with about one-quarter of the workload, has a staff of 30 and almost twice the budget. I believe the staff is 17 here. It appears skeleton compared to what's going on with our neighbours to the east.

Some of the other measures. In spite of what they're saying, as I mentioned earlier, the Auditor General's budget was cut by 15 percent. They promised in the *New Era* document that they would increase it. They cut the budget for the Police Complaint Commissioner by 30 percent and cut the budgets for the Ombudsman and the Information and Privacy Commissioner by 35 percent, as I mentioned.

Interjection.

H. Lali: Hang on. My neighbour from Kamloops–North Thompson says that it's old stuff. Well, he has no problem talking about the supposed dismal decade of the 1990s. But when we talk about what this stuff has done — the decade of despair, which they started in 2001 — he has a problem with that, and that's recent history. The member's still here.

The Chair: Members, please direct your comments through the Chair.

H. Lali: Eliminated the mental health advocate. Reduced the children's advocate from an independent officer reporting to the Legislature to a bureaucrat reporting to the government — all of these things have taken place.

[2015]

The other thing they did was they actually extended cabinet secrecy to the Liberal caucus committees. They amended the FOIPPA act to extend the traditional cabinet secrecy to the Liberal caucus committees.

I just want to give some more specific examples to the minister. I know the minister waxes quite eloquent.

I do enjoy listening to the minister's speeches. The man has been a lawyer in his past life, and obviously, he's got quite an eloquence in terms of his speaking style. But not to be outdone, I have to use some facts to counter him, because I'm not as eloquent as he is in terms of speaking — and singing. That's another art he's got. He sings pretty well. Mind you, piano-playing might need a little bit of touching up there.

Some of the amendments to the FOIPPA act that have added time and barriers…. The Liberals passed two sets of amendments to the act in April 2002 and March 2003 that actually weakened the act by making the process easier for government officials and harder for those who request information. At least six changes were made to the act in order to give public bodies more time to respond to FOI requests. I want to give you some examples, hon. Chair. I'm going to give you three examples here.

Previously, public bodies had to respond to requests within 30 days. Now they have 30 working days to respond, so it adds time to that. The second point is that the clock may be stopped for a number of reasons, including the transfer of an FOI request from one body to another. The allowable time for a transfer has been doubled to 20 days. That's a change which FIPA's lawyer called "an extraordinary acknowledgment of bureaucratic delay and incompetence." That's what he says.

I want to basically ask the question to the minister. The question is twofold, and I know he answered it in part. I just want him to change his books back again. Has the average response time to complete a FOIPPA request risen or fallen since this time last year, and by how much? The second part of my question is: has the average fee charged to complete a FOIPPA request risen or fallen since this time last year, and by how much?

Hon. M. de Jong: A two-part question. The answer to the first one is that the response time has dropped over the course of the year rather dramatically from an average of 42 days to 33 days.

On the second question, relating to fees, the fee schedule has not changed, as I mentioned earlier, since its inception in 1993. I think the member's question, in fairness, probably relates to, as well, the invoice for actual requests or the average cost per request. I don't have that information. I can't even undertake, at this point, to provide it to the member, because I'm not sure that data exists, but I think it is worth getting it.

H. Lali: I want to shift my focus now from freedom of information to EDS Advanced Solutions. If there's a change in staff needed, then I can wait a minute.

[2020]

Just for the record. Obviously, EDS Advanced Solutions is a B.C. subsidiary of EDS Canada, which in turn is a subsidiary of Texas-based EDS Corp. The company was awarded a ten-year, $570 million contract in the fall of 2004 to collect non-tax revenue in B.C. They call themselves Revenue Services of B.C.

EDS now collects money on behalf of the B.C. government from people who haven't paid their MSP premiums, student loans, court fines and ambulance bills. It's the first time in Canada that collection services of this kind have actually devolved to the private sector.

I would like to ask the minister: first off, can the minister please indicate how many staff EDS has?

Hon. M. de Jong: No.

H. Lali: I assume he means zero as opposed to no.

Hon. M. de Jong: No, I mean I don't know.

H. Lali: Oh, you don't know. I'm sorry. I thought you said: "No." All right, thank you to the minister.

According to the most recent report…. I'd like the minister to tell me what the average wait time is for the EDS consumer line.

Hon. M. de Jong: I don't have an answer for the member. I think that information is available on the website project summary, and I think it was also canvassed with the Ministry of Revenue, but in fairness, the member may not have been aware of that.

H. Lali: For the last couple of years now, people — and these would be the users, British Columbians who use the services…. They've been getting a lot of complaints from people. There have been media stories, as well, over the last couple of years in terms of the response times and how displeased people are that the service is not up to par to what it was when it was within the realm of the public as opposed to the private sector. A lot of folks are actually getting really upset with the lack of management. They're actually calling it the mismanagement at EDS.

There's a lot of anecdotal evidence. An example, for instance…. I'm going to read a few into the record here. A Victoria photographer, John Simpson, returned home from three years abroad working for Princess Cruises to discover a bill from EDS Advanced Solutions Inc. for $1,512, which is three years' worth of premiums. Simpson phoned to dispute the bill and ended up on hold for 40 minutes. He never got through to a real person. This was the story that was in the *Times Colonist*, August 28, 2005.

[2025]

In the *Times Colonist* of February 18, 2005, there was another example:

> The B.C. government had never sent funeral director Richard Vigar a bill for $432 he owed in Medical Services Plan premiums for a six-month period in 2001, when he moved to Victoria from Campbell River at the time. But he received a demand for payment in full from EDS Advanced Solutions Inc. in February 2005 to "pay it in 30 days or else…."
>
> But when Vigar pointed out the irony of collections officials demanding payment in 30 days after taking four years to send a bill, he said he was offered a grace period of an extra 30 days.

There's another story from the *Times Colonist* on February 18, 2005.

> Jessica Vandermeer received a bill from EDS that month for MSP premiums from 1997. Most people wouldn't have any recollection of such a bill…

I know I wouldn't — not dating nine years back.

> …but her partner, "who keeps everything," went through his trusted filing system and pulled out a bank-stamped payment record for the bill that was in question. So Vanderveen called to complain. She was told the seven-year-old bill was indeed a mistake. However, EDS said it had a five-year-old bill waiting to mail with her name on it, which hadn't been mailed. It turns out that the second bill was also paid, and Vanderveen had proof of it. She says: "They were shockingly rude. They threatened to garnishee my wages."
>
> Now incredulous, she asked EDS representatives what would happen if she had no records as proof. The answer, she said, was that she would be liable.

Can the minister confirm that where there are no records, the consumer is liable for payment of contested debts, even in the face of the incompetence of EDS?

Hon. M. de Jong: My answer will be somewhat general, insofar as the specifics tend to relate to matters that the member or others would have canvassed with the Minister of Revenue.

Collections don't generally tend to be a very popular thing. I am mindful of what the member himself said earlier in these discussions about deriving value for taxpayers. I think I read an article today in the paper, one of them, about the federal Auditor General talking about upwards of $18 billion in uncollected arrears.

We never used to collect this stuff. We have a contract now with a partner service provider. Is the service perfect? Undoubtedly not. Does it include benchmarks for performance against which we can measure situations that occur and against which we can measure overall performance? Yeah, it does. Ironically — and this is something that has tended to come up during the course of the philosophical discussion with the Health Minister and others — the ability to critique performance on these measures is built around the fact that they now have these measurements.

[2030]

I don't think I heard the member say this, but if the proposition is: go back to the way it was; that was perfect…. Well, it wasn't perfect because (a) when things went into arrears, they didn't get collected, and (b) there was no way to measure the performance of the fact that they weren't ever being collected. I'm not going to stand here and suggest that we've got a perfect system here, and I'm not in a good position to comment on individual cases. Some of those may have been canvassed with the Revenue Minister.

As a general proposition, the fact that we have agreements in place that include benchmarks directed at deriving the value for the taxpayer, which just a few moments ago the member said should be paramount in the minds of government…. I agree with that. I agreed with it when he said it, and I agree with it now. That's what we're trying to do. That's what the agreement is designed to obtain.

H. Lali: The minister and I will disagree, but the one thing, I guess, we both agree on is that it is tough to try to collect money. I tried doing that in my caucus for caucus fines here lately, so I know what he's talking about.

Hon. M. de Jong: Would you like to use EDS?

H. Lali: EDS? Are they union or non-union?

In any case, the minister didn't answer my question.

K. Krueger: Who built your house?

H. Lali: It was already prebuilt before I bought it, so I have no idea.

I'd like to ask the minister the question again. Can the minister confirm that where there are no records, the consumer is liable for payment of contested debts, even in the face of the incompetence of EDS? The question is one about liability, and he didn't answer that.

Hon. M. de Jong: With the greatest respect — and I mean this sincerely — to the member, I'm neither the Revenue Minister nor the Attorney General, so I'm not going to provide comments on liability questions here.

H. Lali: I understand that there's generally a six-year statute of limitations on collecting government bills, but that doesn't apply to MSP premiums. Can the minister explain why?

Hon. M. de Jong: No.

H. Lali: Can the minister, then, perhaps explain to me: does EDS have to meet a targeted number of collections to meet its performance-type contract?

Hon. M. de Jong: I think the member's question was: do they operate on the basis of a quota? The answer is no, though I believe it has been disclosed previously that the anticipated value to the taxpayer over the term of the contract will be $382 million.

H. Lali: If there are no quotas, then how is the contractor judged? Against what kind of criteria or set of principles is the contractor being judged, then?

[2035]

Hon. M. de Jong: Hopefully, this answers his question. Government, first of all, knows what it's owed. In the case of MSP we have a basic accounts-receivable column, so we know what people owe. Heretofore, those amounts simply weren't collected. They were written off. The arrangement with the service provider here is built around the proposition that they keep a share of what is collected and government gets the rest.

H. Lali: What share does the contractor keep, in terms of the money returned?

Hon. M. de Jong: It's on the project summary. I can get it for the member, but it's publicly disclosed on the site.

H. Lali: I started out asking the question under this section in terms of how people were being treated by employees at EDS and by the company in general. In February 2005, EDS sent threatening debt-collection letters to approximately 20,000 B.C. residents. The minister's colleague, the then Revenue Minister had to apologize for the "rude treatment" the company had given these alleged debtors, some of whom had actually already paid their bills that were in question.

I'd like to ask the minister if he has any concerns about the treatment that British Columbians are getting from this private company in its zeal to meet its performance target. I'm not saying quotas but whatever performance targets they have.

Hon. M. de Jong: First of all, to the best of my recollection, there were both policy and legislation which govern the manner in which collection activities take place in the province and the country. We, of course, expect that people will abide by those requirements.

I do note this, and I have just been reminded of this: the staff involved are the same staff that were doing this work within government. The staff within government were given the opportunity, and apparently, 100 percent of them took advantage and went to work. We've got the same people.

Insofar as the incident the member is referring to, my colleague the Revenue Minister made clear the government's position at the time, and as I have just said, we expect any agency engaged in collections activity in the province to abide by the relevant laws that govern that activity here in B.C.

H. Lali: I guess the authority in the tone with which the Chair mentioned my name means it must be my last question before…. As much as I would love to stay here and debate the minister all night, I don't think we can stand two long nights in a row.

Actually, what I'll probably do is…. It's going to take a bit of a preamble, so I'll just have to leave it through a letter or something. I see from the expression on the minister's face how disappointed he is. He wanted to sit late.

Anyway, I want to thank the minister and his staff for being here to provide answers, even though it might not have been that many answers. But it was still….

A. Dix: I want to hear your last question.

H. Lali: You want to hear my last question. We'll have to wait until the next time.

[2040]

Hon. M. de Jong: Sorry, I have to correct an answer I just gave. I said that 100 percent of the individuals shifted over. A hundred percent had the opportunity; only 80 percent took advantage of that opportunity.

Vote 36: ministry operations, $205,765,000 — approved.

Hon. M. de Jong: I move the committee rise, report resolution and seek leave to sit again.

Motion approved.

The committee rose at 8:41 p.m.

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