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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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TUESDAY, MARCH 28, 2006

The House met at 10:04 a.m.

Prayers.

Introduction and First Reading of Bills

APOLOGY ACT

Hon. W. Oppal presented a message from Her Honour the Lieutenant-Governor: a bill intituled Apology Act.

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

[1005]

Motion approved.

Hon. W. Oppal: I am most pleased to introduce the Apology Act. This is new legislation. It is designed to reduce litigation and to promote an early resolution of legal disputes. The bill will establish that an apology does not constitute an express or an implied admission of liability or fault. Also, an integral part of this bill is that evidence of an apology is not admissible in legal proceedings.

The bill embodies principles recommended by various people. To that extent, in particular I want to thank the hon. member for Vancouver-Burrard, whose very thoughtful private member's bill raised a public profile about the value of an apology in the settlement of disputes. As well, I want to pay particular tribute to and recognize the work that was done within my ministry — the very diligent people in the ministry who were integral in the advancement of this legislation.

It is becoming accepted wisdom that an apology often will go a long way towards resolving a matter. Many times, persons who have been injured simply want an explanation and an apology as to what happened.

In the early 1990s I was asked by the government of the day to conduct a commission of inquiry into policing. One of the terms of reference referred to public complaints and public accountability of police. We heard from many people who came before the commission of inquiry, and they advised us that had the erring officer come to them and offered an explanation for his or her actions, and an apology, they would not have laid a complaint. As well, we know that litigation in the United States has been eliminated, particularly in medical malpractice cases, where apologies have been offered.

Our current laws discourage people from apologizing. This Apology Act is designed to change this. It will eliminate the concerns that an apology amounts to an admission of liability or that it may void the provisions of an insurance policy. As a result, it will encourage natural, open, direct dialogue between aggrieved parties and will allow an apology to be made at an early

stage of legal proceedings as well. It will also promote individuals to take responsibility for their actions in circumstances, because the concerns about legal consequences....

Mr. Speaker: Minister, can you pose the question?

Hon. W. Oppal: All right. I move that the bill be placed on the orders of the day....

I was never used to this before. I used to do my own timing, you know, before I came here.

[Laughter.]

An Hon. Member: The key is "used to." Past tense.

Hon. W. Oppal: I'm told the salient words are "used to."

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

Bill 16, Apology Act, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

Petitions

Hon. B. Penner: I rise to present a petition signed by about 350 constituents in Chilliwack-Kent regarding affordable housing in Chilliwack.

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to present the Ombudsman's special report No. 28, March 2006, *Ombudsman Investigation of the Public Interests Advocacy Centre's Complaints about the Ministry of Employment and Income Assistance*.

[1010]

Orders of the Day

Hon. M. de Jong: In Section A I call Committee of Supply. For the information of members, we'll be discussing the estimates of the Ministry of Education. In Section B, in this chamber, I call second reading of Bill 15, the Miscellaneous Statutes Amendment Act, 2006, and thereafter, for the information of members, committee stage of Bill 10, Community Services Statutes Amendment Act, 2006.

Second Reading of Bills

MISCELLANEOUS STATUTES AMENDMENT ACT, 2006

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

Bill 15 amends various statutes in order to clarify provisions, correct inadvertent errors and make a number of minor housekeeping amendments.

The first such amendments are proposed to the Employee Investment Act. That includes provisions for labour-sponsored funds that will enhance and clarify governance and public accountability. Labour-sponsored funds are an important source of investment capital for eligible small and medium-size British Columbia businesses. The purpose of the amendments is really twofold: first, to require labour-sponsored funds to develop and implement appropriate corporate governance policies; and second, to provide liability protection to clarify that the province does not guarantee an investment in these funds.

Amendments of the Environmental Management Act and the Integrated Pest Management Act will clarify the authority of the Ministry of Environment to conduct inspections for the purposes of monitoring compliance with environmental regulations and legislation. These amendments will also clarify and strengthen powers to conduct investigations concerning possible offences under environmental legislation. The changes will improve the ministry's ability to fulfil its mandate to promote sustainable environmental management and to protect land, water and air quality.

There are minor amendments to the Greater Vancouver Transportation Authority Act. Those amendments will clarify the wording and authority of the Lieutenant-Governor-in-Council to grant an exemption from property taxation for public transportation infrastructure projects undertaken by the authorities specified under the act. These projects include the Richmond-Airport-Vancouver rapid transit line project, the Golden Ears Bridge crossing project and the Evergreen line rapid transit project.

As well, an amendment to the Human Resource Facility Act will extend the existing power of the responsible minister to provide human resource facilities with capital grants and loans that must be repaid if the recipient fails to use the property for its intended purpose and that are secured against a title of that property. Currently the act covers facilities that provide residential or day programs to children, persons with disabilities, persons with addictions, child and youth mental health services or youth justice services. This change will further protect the taxpayers' investment in these service areas by extending the act's requirements to grants and loans to research and administrative facilities that support the human resource service areas under the legislation.

Bill 15 also amends the Innovation and Science Council Act. In 2004 the Innovation and Science Council merged with the Advanced Systems Institute and adopted a new title, the British Columbia Innovation Council. Bill 15 amends the title of the act and confirms the legitimacy of the British Columbia Innovation Council — its authority to operate as an agent of government — and identifies it as a successor to the previous body. This name change is reflected by consequential amendments to the Financial Information Act and the Freedom of Information and Protection of Privacy Act. None of these changes affect the policy intent of those acts.

[1015]

Amendments to the Motor Vehicle Act will remedy the situation wherein certain buses and trucks, by virtue of their manufacture design, are not in accord with the statutory provincial standard regarding the clearance between the vehicle and the road surface. A further amendment will allow for the adoption of federal standards and codes related to road safety, which may be amended by the federal government from time to time.

Bill 15, as well, amends the Protected Areas of British Columbia Act, making additions to three existing class-A parks and one ecological reserve: Spatsizi Plateau Wilderness Park, Strathcona Park, Indian Arm Park and Ambrose Lake ecological reserve. Lands will also be transferred to other provincial ministries. The amendments will also modify the boundaries of two parks, Shannon Falls and Strathcona, and one ecological reserve at Gladys Lake. Four existing protected areas will be converted to class-A parks: Enderby Cliffs, Kiskatinaw River, Klin-Se-Za and the Sikanni Chief Canyon.

Bill 15 also introduces amendments to the Small Business Venture Capital Act, which provides small businesses with streamlined access to capital and further program efficiency. These amendments complement the Ministry of Finance's Budget 2006 announcement to increase the program's tax credit budget by \$5 million. They are part of this government's commitment to increase access to venture capital for innovative small businesses. The amendments will, as well, encourage further investment and economic opportunities throughout the province, including outside the major urban centres.

Amendments to the Transportation Act will clarify the power of the minister to expropriate and use land for public utilities in general — such as electricity, telephone and natural gas — and not just those public utilities that are related to transportation. The amendment ensures that the key infrastructure projects can proceed on schedule.

A further amendment will correct a problem involving statutory immunity and Crown liability, where current language could be interpreted as providing a broad new statutory immunity for the Crown. Amendments to this bill correct this issue and ensure legal immunity remains status quo.

Lastly, Bill 15 amends the University Act, which establishes the governance framework at four of British Columbia's universities: the University of British Columbia, the University of Victoria, the University of Northern British Columbia and Simon Fraser University. The amendments will remove citizenship and residency requirements for board members, permitting international students, employees and faculty members to participate in university governance. It will change the term of office from three years to up to three years, providing greater flexibility in the appointment terms.

Bill 15 will also serve to correct inadvertent cross-referencing and other minor errors to confirm the policy intent of the amendments to the University Act made in 2004.

I move that the bill be referred to the Committee of the Whole to be considered at the next sitting of the House after today.

Mr. Speaker: There are some other speakers first.

L. Krog: I want to assure the Attorney General that those of us in the opposition will probably be kinder to him this morning than his own colleagues on the opposite side of the House. No need to apologize this morning. The opposition always enjoys a potpourri, which this bill represents. It's a veritable banquet of legislative changes, which will give all of our critics some opportunity to make a few remarks on every section.

I can assure the Attorney General at this stage, however, that there is nothing remarkable in the bill that we see so far. However, there are some concerns around the changes to the University Act. I think, obviously, the opposition is concerned that the general governance of our institutions remain in the hands of British Columbians, notwithstanding our interest in international affairs.

[1020]

Obviously, we do have some concerns around the Protected Areas of British Columbia Act. We're delighted to see the conversion of four existing protected areas into class-A parks. We see that as a very positive move. We have some concerns around the boundaries, and certainly that can be dealt with in full at committee stage of this bill.

With respect to the other changes, they appear to be appropriate legislative improvements and housekeeping. With that, I would conclude my remarks on this matter.

Mr. Speaker: Seeing no further speakers, the Attorney General closes debate.

Hon. W. Oppal: I move that the bill be now moved to second reading.

Motion approved.

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

Bill 15, Miscellaneous Statutes Amendment Act, 2006, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. B. Penner: I now call committee stage debate of Bill 10.

Committee of the Whole House

COMMUNITY SERVICES STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 10; S. Hawkins in the chair.

The committee met at 10:23 a.m.

On section 1.

N. Macdonald: A couple of questions on section 1. I know that the member for Malahat-Juan de Fuca will have a few questions as well.

First, in terms of section 1 — as with all of the sections that we're going to be looking at here — I appreciate that the minister has informed the House that these are essentially housekeeping items. These are things that have been put forward by different groups that work with the various pieces of legislation. I know the Union of British Columbia Municipalities has also been involved in the process, and that's a process that I think is commendable. The minister, of course, would do that. Nevertheless, it's a proper process and very much appreciated.

I'll give the opportunity to the member for Malahat-Juan de Fuca to speak to section 1, and then I will move through with the other sections that we're going to highlight. So at this time I'd like to turn it over to the member for Malahat-Juan de Fuca.

J. Horgan: I am pleased to participate in committee stage on Bill 10.

I was wondering if the minister could explain to me what circumstances in her mind would justify removing decision-making processes from one community to another community.

Hon. I. Chong: Before I begin, I'd like to introduce staff who are with me. To my left I have Nicola Marotz, who is the manager of policy and legislation, and to my right is Meagan Gergley, policy analyst, local government policy and research.

[1025]

This amendment, this change in section 1, is to deal with a problem that is as a result of a recent court decision involving a municipality. I know that the member is familiar with the Highlands municipality. We found that neither the Local Government Act nor the Community Charter provided local governments with authority to hold meetings and hearings outside of their boundaries. The local governments and the province have been operating for a number of years on the understanding that local governments could hold meetings and hearings outside of the boundaries. As a result, this section in this legislation is now required to explicitly affirm that authority.

J. Horgan: I guess that when one is looking at amendments such as these, they have to be reduced to the absurd so that the point can be made. If in the city of Victoria, the Victoria council decided to hold a public hearing in Toronto, this amendment would allow for that to happen. Did the minister contemplate such absurdities when she put forward this bill?

Hon. I. Chong: To the member: there are a number of multiple safeguards in place. Explicit authority for municipalities to resolve to hold meetings outside their boundaries can be found at least as early as 1957. In fact, I believe this has occurred since even 1897.

We are not aware of any abuse of that authority or any instance where that has occurred. As I say, this has been a practice that has taken place for a number of years. The purpose of the section is to make it clear in the Local Government Act and the Community Charter — to affirm that authority that has occurred in the past.

In this particular case, where it was brought to our attention in the Highlands situation, it illustrates that small communities need authority precisely because they want to ensure that there is a real opportunity for public involvement, for public debate. Clearly, a growing small municipality such as that did not have a public facility that was large enough to hold the number of people who wished to provide input.

J. Horgan: It's my sense that legislation is about abstracts and not specifics, so I'd like to stay on the abstract with the minister if I could. Perhaps she could articulate for me where those safeguards exist to ensure that residents of one community who are not able to attend a meeting in their own community but in a distant place.... How would they be guaranteed access to that public hearing?

[1030]

Hon. I. Chong: First and foremost, there are legal principles that are established. In terms of that, the principle of fairness is fundamental or key to that. A decision to hold a public hearing outside of local government boundaries in order to thwart public involvement — if that's what the member is concerned about — would certainly expose that particular local government to a legal challenge based on the principles of fairness and, essentially, on saying that that particular local government was acting in bad faith. First and foremost, that principle — acting in good faith to encourage public involvement — is there for that purpose.

There's also, in specific legislation, the requirement for public hearings. As the member may or may not be aware, when public hearings are held, there is usually a requirement to publicly advise that there is a public hearing that's taking place. There are requirements in relation to how those are specifically covered.

Specifically, in the Local Government Act, section 890 is where the information as to the requirements for a public hearing is clearly stated. For the purpose of sharing that with the member, I'll just say that it's to allow "the public to make representations to the local government respecting matters contained in the proposed bylaw" in that particular hearing.

[S. Hammell in the chair.]

There are requirements that it take place. There are legal principles. It's about fairness and about the principle of good faith, as opposed to bad faith being exercised.

J. Horgan: I have not prepared, but I'd be happy to prepare, an amendment to this section that would pre-

scribe a restriction on where a hearing could be held outside the boundaries of the municipality, such as an adjoining municipality — or some language such as that — to protect against the absurdity that I pointed to earlier.

If the city of Victoria wants to hold a hearing in Port Hardy, that would be onerous, I would think, for many residents to attend. If the city of Victoria wanted to hold a public hearing in Esquimalt, that's another matter. Would the minister entertain an amendment today to ensure that the boundary issue is dealt with, with respect to the adjoining municipality?

Hon. I. Chong: Again, I want to refer to the requirements for public hearings and for when public hearings have been duly publicized, notified. For members who may be affected by the particular bylaw, section 890 in the Local Government Act clearly states that "all persons who believe that their interest in property is affected by the proposed bylaw must be afforded" — must be afforded — "a reasonable opportunity to be heard or to present written submissions...." So those purposes must still be met regardless of the hearing location.

Again, it goes back to the history of the authority for holding public hearings or meetings outside of boundaries. It does go back for a number of years. We were able to find, as I say, as early as 1897 where meetings of a municipal council had taken place. It was clearly stated that all meetings of a municipal council "shall take place within the limits of a municipality, except when the council has resolved that it would be more convenient to hold such meetings, or some of them, outside of the limits of a municipality."

I can say that in looking at that particular case.... We know that fairly often when this authority has had to be exercised, we have not found any abuse of that authority. Consequently, we believe that local governments will continue to exercise that very good judgment, that they intend that public involvement take place — that is, after all, the purpose of a public hearing — and that as many affected people of the public as possible will be included.

[1035]

Again, I refer to the fact that we do have a section in the Local Government Act, section 890, that covers, I think, fairly adequately the requirements for a public hearing and the requirement for reasonable involvement and that members of the public be heard for the purpose of that public hearing.

J. Horgan: I just took the opportunity while the minister was speaking to read section 890 of the Local Government Act, and I'm not at all convinced that a requirement of notice is also an opportunity to attend and participate. That's why I'm suggesting at this point that while we're retroactively amending legislation, we may want to have more specificity with respect to what we're trying to do. If it's just about notification, then I guess we have no problem.

But my concern is that abuse could take place should a municipality determine that they would prefer to have a public hearing outside their boundaries and, in so doing, restrict those that may attend because of transportation difficulties, distance — any number of issues. So I'm suggesting that it might be an appropriate time, while we're in the business of opening up legislation, to do a better job of it and be specific about where those hearings could take place. Would the minister entertain that?

Hon. I. Chong: Since the member has accessed the statute, the Local Government Act, I would again refer him to section 890(1) and section 890(3). It's very clear as to the purpose of a public hearing. It's very clear that allowing the public to make representations to local government respecting matters contained in the proposed bylaw is what the purpose of a public hearing is. In sub (3) those who believe they have an interest in property or who are affected by a proposed bylaw "must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing." So the reasons why there are public hearings are to ensure that those affected or believe that they have an interest have an opportunity to make representation.

I've already indicated that the legal principles of fairness have to be adhered to and that should the circumstances the member is suggesting arise, that would clearly indicate a breach of that principle — bad faith occurring. As I've indicated already, this has occurred in the past, and there has not been any abuse of that authority.

What we have in this particular situation is that, in fact, the practice has taken place. The authority has taken place. It goes back a number of years. It was as a result of the Community Charter and the Local Government Act not being stated explicit enough that we have found ourselves wanting to put clarity to this to be more explicit about what can take place. So we're making this change to the statutes to allow for that clarity to be there.

I've indicated that we have these legal principles of fairness, and history does not indicate that there ever have been abuses of the authority. We just want to provide this section to provide clarity as to what can continue to take place, which has taken place in the past.

[1040]

J. Horgan: One more try. That would be: I don't disagree with anything the minister has said. I'm just trying to see if we can hone this down a little bit more so that it is a more appropriate amendment and that it provides some certainty that citizens will not have to travel outrageous distances to protect their rights within a community or outside of their community. Therefore, the proposal of an amendment to ensure that certainty can be achieved and that if you are going to move a public hearing outside your jurisdiction, you

can go no further than the adjoining jurisdiction without a reason beyond space for the size of the meeting.

Hon. I. Chong: I believe the certainty is sufficient in the amendment. You know, if there have been situations or cases of abuse of authority, I can understand the member's concerns that he's raising in that context. But, as I've cited, this has taken place in the past, and there is no time we can find where there has been abuse of this authority.

We do believe that any council, any local government, who is wishing to hold a public hearing who believes they need to ensure that they follow the legal principles to ensure public involvement and representation can be met, will act in good faith as they have in the past.

Section 1 approved.

On section 2.

N. Macdonald: A quick question, then, on section 2: which local government raised this issue, and what particular shortcoming is it meant to address — section 2?

Hon. I. Chong: I want to, first of all, clarify that this was not a specific request from a local government. In fact, what we had discovered was an omission that had taken place in moving delegation powers for municipalities from the Local Government Act to the Community Charter in 2003. There were explicit provisions for municipalities to establish terms and conditions in relation to the delegation of authority which were inadvertently omitted. This is correcting that and putting that authority back in place which had just been omitted.

Sections 2 to 13 inclusive approved.

On section 14.

[1045]

N. Macdonald: Just an explanation from the minister again: the reason for changing it from ten years to 15 years.

Hon. I. Chong: Firstly, I would also like to clarify that this particular section arose as a result of some work that had been done through the Development Finance Review Committee which, as the member is aware, is made up of a number of representatives from industry, from local government and from our ministry office as well.

This came about as a result of the current time limit of ten years. It had caused some concerns in terms of fairness and equity in paying for infrastructure costs of particular developments. So a 15-year time frame was proposed and was seen by the Development Finance Review Committee as striking a good balance, a right balance, insofar as it did provide enough time to allow for and encourage more equitable cost recovery for the

original developer without it being so long as to be administratively cumbersome.

This amendment is designed to ensure that there is ongoing fairness in terms of equity and the development finance system, which is based on the principle that the benefiter contributes to the necessary infrastructure.

Sections 14 to 19 inclusive approved.

On section 20.

N. Macdonald: The part of the section we would like to ask some questions on refers to the Port Alice pulp mill agreement. Obviously, the outcome for Port Alice is very positive, and we're obviously pleased for the people of Port Alice. But we do have questions around that. I would like to begin with the member for North Island, and I'll turn that over to her right now.

C. Trevena: I agree with my colleague from Columbia River-Revelstoke. We're obviously very pleased that the mill is likely to be reopening. It's due to have its opening in the beginning of May, and I think there is a sense of renewed hope in the village. The means of getting there, I think, have caused some concerns, so if I might go through section 20 with some questions on it.

I note in section 20(2) that the amounts can be fixed for one or more of the years between 2006 and 2010. I wondered whether the minister could explain to me whether that means that if at any period between 2006 and 2010 either side wants to change the deal, they can do so?

[1050]

Hon. I. Chong: I firstly want to say that I would agree with her that there is a renewed sense of optimism in the Port Alice area. I had the opportunity to visit Port Alice during the week that we were supposed to be in our constituencies. I made my trek up there and did have a good look around the area. I know that when that mill is up and running, so, too, will the community start to become much more vibrant.

I think there is some renewed interest in the entire area. Certainly, it's a spot I'd like to go back and visit in the summer when the weather is nicer. I arrived there when it was raining. I'm hoping that it's a bit sunnier the next time.

I know the member's interest in this is certainly warranted because of her representing the area. I just want to be very clear about the purpose of this section. As she knows, it was something that was very much requested of the local government — to provide certainty to allow this business to start up and to start having the economic revitalization occur.

Regarding the particular agreement that has been put in place, it is to allow imposing fixed amounts of municipal tax for one or more of the years from 2006 to 2010 inclusive. It does not go beyond 2010.

If her question is more geared to, "Well, within the 2006 to 2010 can that be changed?" then I would say

that there is opportunity to change, but it would have to be a mutual change because it was a mutually agreed-upon arrangement that had been made with the mill owner as well as with the municipality. But it's very clear that any changes would not go beyond 2010. We were very specific in that, because it was not meant to be enabling — to be perpetual and go beyond that.

We are very hopeful that this will allow that revitalization to take place and that all will be very well in the city of Port Alice — village of Port Alice.

C. Trevena: Yes, it is a village. I'm very pleased that the minister has been to the village. I know that the mayor has had meetings with her and will be having further meetings with the minister about continued transition funding as well. I know this is an issue that will continue.

I do hope that the minister will come back to the village, because it is a beautiful place. One of the things that the village is looking at is diversifying and having more tourism, so there will be more opportunities for the minister to come back to Port Alice.

I would, however, like to ask a couple of further questions on this specific agreement, because it is an unusual agreement. It's quite an exceptional agreement — that a village will make an agreement with a specific business in order to keep the business there and to make sure that the business will operate.

Under section 20(4), it refers back to section 2. This is maybe a clarification of what the minister has just said, but it says that the agreement is not renewable or assignable. I would like to ask the minister whether I'm right in reading this and that when 2010 comes along, that's it. The village goes back to regular taxation, and the class four property status is put back in as it was before. It's not looking at things from a 2006 perspective, but it's looking at things from a 2010 perspective.

[1055]

Hon. I. Chong: Yes, the section states specifically that the agreement under subsection (2) is not renewable. So when we reach 2010, the agreement at that time ends. Of course, what will happen is that the property taxation will go back to its regular or normal process where an annual rate-setting will be taking place.

C. Trevena: I thank the minister for that explanation. I did want to ask a little bit further, because this is such an unusual move — that there is a legislative amendment — and because the power of a local authority is vested in its power of taxation and what it can provide for its community is in its taxation.

I know that the minister has visited the village. The village has had to lose staff because of the closure of the mill, because there haven't been the taxes paid. It's had to close its arena because the taxes haven't been paid. This agreement will still severely limit the amount that the village will be able to bring in — although, obviously, this is an agreement being made by the village.

In subsection 6(a) this says that it does "limit or eliminate council's legislative powers in relation to the imposition of taxes." I wanted to ask the minister: how exceptional is this? Is this solely going to be for the agreement between Neucel and Port Alice, or is it something that could be looked at for taking to other communities?

Hon. I. Chong: I think there were two questions that were posed there, the first being subsection 6(a) regarding the limitation. This is very specific, in that this section is included to ensure that there is only the five-year limitation — that it doesn't go beyond. That's the purpose of subsection 6(a).

In terms of the question that the member has posed about this being an unusual situation or whether it's occurred, I can confirm to her that in the last 15 years there have been three situations that needed to be addressed in this way. Going back to 1992, there was an instance that Elkwood and Sparwood were involved in. In 1993 the regional district of Kootenay-Boundary had required legislation similar to this, and in 2003, Prince Rupert had required some assistance in this way.

In these cases we had to take a look at bringing in legislation, and in this way. The amendments were required simply because the community, in fact, was faced with extreme economic consequences, such as a loss of its major taxpayer. There were no other practical or non-legislative alternatives, and the amendments related directly to the strategy to address those economic circumstances. So this is not the first time this has been brought in, but it is not as frequent as some might believe and is used in those circumstances where we have to specifically address those situations.

C. Trevena: I appreciate the explanation. I think my concern — and I know that my colleague for Columbia River-Revelstoke also has a similar concern — is about the fact of the potential precedent-setting nature of an agreement such as this. Even though there have been, as the minister has said, issues in the past, the concern is that in subsection 6(b) it will basically allow the "council to provide assistance to a business."

[1100]

The concern is that other businesses are saying to councils: "This is what can be done. Basically, you lower your tax rate, or we're going to walk." I think that is a concern in having it written into legislation that the council can provide assistance to a business. I would like to ask the minister if she can provide assurances that this wouldn't be used in other circumstances, where a business is basically holding the hammer over the head of a local authority in demand to have its taxes reduced.

Hon. I. Chong: I just want to again be very clear that this section is very specific. It is only in relation to the Neucel property. As well, to provide her with some assurance, in the sense that the Community Charter does prohibit assistance to businesses....

When a piece of legislation such as this is required, it is for limited exceptions. That is one of the reasons why, as I indicated, in the last 15 years there were only three instances where that came about. It allows for us to make those changes or provide those amendments in those limited circumstances, in those limited exceptions. This particular section of this legislation is specific to the Neucel property.

N. Macdonald: Just to reinforce the point, then. One of the concerns that I had with estimates last year and one of the concerns that I spoke about in second reading was just around this point. I know that this is a specific case; the community of Port Alice wanted to enter into this.

In 1996 I was part of a council. The mill went down in the community I was in. There were, of course, discussions around how we were going to fix things in a way that would allow the mill to reopen, which it did successfully. Now, at that time we had appurtenance, and that was something that allowed the negotiations to move in favour of the community. We didn't have on the table, really — or it was never put on the table — the ability to reduce taxation for the company. Other ways were found of finding a solution that worked.

The concern I have is that having used a solution that includes limitations for five years on whether a community can change the taxes that are set also limits the taxation. It's a solution that I think we should try to avoid. There are other tools that we can use.

[1105]

I'm happy that it has worked in this place. But what I would leave with the minister is just.... You have described it as exceptional. To reinforce the concern that the member for North Island and other members on this side have that we would find communities competing or.... In a circumstance such as this, where local government is really — not desperate; well, almost, I would say — desperate to get the community back on its feet with the mill opening, there is tremendous pressure on them to reduce taxation, if that is available to them.

I put it to you that this be avoided as a solution — that the province, as a participant, look at solutions that are different than this and that have been used in the past successfully. I guess I'm just asking you to confirm again that this is exceptional and that you do not see it as a solution that would work for other communities.

Hon. I. Chong: We absolutely work with local communities, local governments, when they are facing rather extreme, extraordinary circumstances and would state that where a local government can find solutions or work through transitions that allow for non-legislative ways to assist them, that is certainly the preferred option. In this particular case, as I mentioned, it was very much exceptional. In that situation, they looked at all the possibilities. The legislative requirement, in their case, was what was needed. The municipality clearly expressed that this was the only solution that they felt was viable or available to them.

As I have indicated, we will work with local governments to ensure that we find non-legislative processes to ensure that that takes place — and work within existing rules. As I've indicated, with it having only been used three times, I think, in the last 15 years, that speaks well to the fact that staff and local governments work to find resolutions in other ways as best as possible.

Sections 20 to 34 inclusive approved.

Title approved.

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

Motion approved.

The committee rose at 11:08 a.m.

The House resumed; Mr. Speaker in the chair.

Report and Third Reading of Bills

COMMUNITY SERVICES STATUTES AMENDMENT ACT, 2006

Bill 10, Community Services Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

Hon. T. Christensen: Mr. Speaker, I now call second reading of Bill 14.

Second Reading of Bills

SMALL BUSINESS AND REVENUE STATUTES AMENDMENT ACT, 2006

Hon. R. Thorpe: I move that Bill 14 be read a second time now.

This bill proposes a number of amendments to taxation and revenue statutes administered by the Ministry of Small Business and Revenue. The measures included in this bill will help us to achieve our goals of working to make British Columbia the most small business-friendly jurisdiction in Canada, furthering our government's goal to lead the nation in per-capita job creation. Our government is committed to creating a regulatory environment that focuses on streamlining and simplifying how business is done in British Columbia while continuing to collect all outstanding amounts owed to government in a fair and equitable manner.

[1110]

Amendments to the Assessment Act will allow for a fairer and more equitable environment for taxpayers. Properties which are substantially damaged after October 31 and before December 31 will now have their

damaged conditions taken into account when property assessments are made in January.

Amendments to the Property Transfer Tax Act provide a more flexible and less burdensome framework for taxpayers, who may need further time to provide documents to the government, by waiving the assessment period. These amendments are in keeping with most other provincial tax acts, including the Social Service Tax Act, the Tobacco Tax Act, the Hotel Room Tax Act, the Income Tax Act, the Insurance Premium Tax Act and the Corporation Capital Tax Act.

Amendments to the International Financial Activity Act will allow information-sharing that will make participation in the program more streamlined for businesses and individuals. These amendments will also increase the efficiency and effectiveness of the administration and enforcement of the tax refund program.

Amendments to the Tobacco Tax Act will define a common carrier to aid enforcement against smuggled tobacco and prevention of illegal tobacco sales while protecting genuine shipping and delivery companies. Amendments to the Income Tax Act will align the act with parallel provisions in the federal Income Tax Act. Similar amendments are required each year to accommodate changes in the federal legislation.

Amendments to the Taxation (Rural Area) Act will make the act consistent with other acts such as the Income Tax Act and the Social Service Tax Act, which permit notices to be served by fax and electronic mail as well as by registered mail and personal service. This will help facilitate the collection of overdue taxes.

Finally, all of the amendments proposed in this bill are consistent with the government's goal to enhance customer service that provides fair and equitable tax and revenue administration and collection.

M. Karagianis: Bill 14. The amendments that are made here are all very practical and sensible amendments, many of them obviously triggered by federal changes. Therefore, I think it's appropriate that we should comply as soon as possible with federal changes so that there are no possible gaps in how we deliver our tax acts here.

The finance activities act, as well.... All of these are reasonable changes; it's reasonable language that is put in place. I would say, in speaking to the Taxation (Rural Area) Act, that I'm fully in agreement with us broadening the scope of allowing more electronic communications here and that filing can be done through new technologies and using them very effectively. I did mention in the briefing on this that as long as we're able to confirm and safeguard against electronic mail in any way going astray or any loopholes or problems occurring because of claims that e-mail has not been received.... Otherwise, I think it's a terrifically effective way to use the new technology.

The Tobacco Tax Act. Of course, these loopholes do appear often by those people involved in running contraband tobacco. I suspect that if there are any more loopholes, they'll find them and find ways to work around that. I would like to say that I support all of the

amendments made here and certainly hope that no other loopholes show up in our tobacco tax as a result of illegal activity.

Mr. Speaker: Seeing no further speakers, the Minister of Small Business and Revenue closes debate.

Hon. R. Thorpe: I move second reading.

Motion approved.

Hon. R. Thorpe: Mr. Speaker, I move that the bill be referred to a Committee of the Whole House for consideration at next sitting of the House after today.

Bill 14, Small Business and Revenue Statutes Amendment Act, 2006, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

Hon. T. Christensen: I now call committee stage on Bill 9.

[1115]

Committee of the Whole House

FORESTS AND RANGE STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 9; S. Hammell in the chair.

The committee met at 11:16 a.m.

On section 1.

The Chair: Shall section 1 pass?

Some Hon. Members: Aye.

The Chair: So ordered.

Interjections.

The Chair: Okay. Committee, we'll revisit section 1. Member, Cariboo North.

B. Simpson: Thank you. My apologies to the House.

In section 1(c), the repealing of paragraph (a) on the definition of "timber sales manager" removes the function of the deputy minister. What is the reason for removing the deputy minister in that definition of the timber sales manager?

Hon. R. Coleman: I would assume, then, that we've backed off on the passing of section 1, because the House did pass section 1. Okay.

The definition of timber sales manager is being amended to repeal the paragraph that applies the definition to the Deputy Minister of Forests. This provision

was put in place for the transition to B.C. Timber Sales, to ensure that B.C. Timber Sales activities could continue while timber sales managers were being appointed. The provision is no longer necessary.

B. Simpson: Where is the overarching coordination, then? My understanding now is that we have a number of regional timber sales areas. It's my understanding that those areas are not aligned with district forest areas, that they're separate from that. If I'm incorrect on that, then I stand to be corrected. Where does the overall coordination, then, of B.C. Timber Sales lie? Does the removal of this clause remove that coordination?

Hon. R. Coleman: B.C. Timber Sales has an assistant deputy minister in charge. B.C. Timber Sales doesn't need an office in every regional or district office. There are 12 offices that are co-located with the Ministry of Forests staff, and that's to make sure the business model works. It's not to create unnecessary administration with regards to the management of one portion of the ministry.

[1120]

B. Simpson: With respect to the operations of B.C. Timber Sales, then, in these various regions, how does their sale allocation of whatever they're going to put out with respect to the proportion of the allowable cut they have...? How is that managed overall and then articulated into whether it's the chief forester's determination of the allowable cut or whatnot?

Is the removal of this clause removing that overarching articulation of B.C. Timber Sales — its operation, its influence over how much cut is going on in the province at any given annual period? I hear the minister indicating that there's an assistant deputy minister here, but I'm curious whether or not the removal of the deputy minister at this level removes that overarching rollup of the allowable cut determination from B.C. Timber Sales.

Hon. R. Coleman: First of all, I don't think that this section is about an estimates debate, so I'm not going to get into the long, detailed discussion about the allocation of TSAs and TFLs and how timber sales are allocated. I can tell the member that the minister actually allocates those numbers through recommendations, through his staff, into the different district timber plans. I'm sure that when we get into estimates, we'll get into a discussion about that.

There was never the intention of the initial business model to always be under the deputy. It was always the intention to have it under an ADM with a separate operation for B.C. Timber Sales, and that's what this is going towards. It is basically getting to.... Now that the organization has matured and is structured properly and the people are in place who can run it, it need no longer have the deputy minister be the person that it's reporting to.

That's why we're amending the provision that was put in place for the transition. It's to ensure that B.C.

Timber Sales activity could continue while timber sales managers are being appointed. They've been appointed. They're on the job. We now feel we're in a position to no longer have this provision, because it was never intended to have it long-term.

B. Simpson: It's not my intention of getting into estimates debate either. I wasn't asking for a report on the TSAs and TFLs and all of the other stuff that is in the minister's purview. I'm just simply trying to understand what the removal of the deputy minister in this function is. I'm satisfied with that and look forward to the actual estimates debate around B.C. Timber Sales, which should be quite interesting.

Two other quick notes here. In section 1, there seems to be a bit of a difference in the changes in the act under "revenue minister." It clearly defines "revenue minister" as the Minister of Small Business and Revenue. That's under subsection (a). Yet in (b) it strikes out, in other places in this act, Minister of Forests as a definition of Forests Minister and makes that a more generic "ministry of the minister responsible for the administration of this Act."

In one case it appears that there's an explicit statement of a minister and the name of a ministry, and in the second case, it's the striking of an explicit statement of Ministry of Forests for a more generic term. Could I get an explanation of what appear to be two contradictory changes?

[1125]

Hon. R. Coleman: Two reasons. Under subsection (a), the "revenue minister" is the Minister of Small Business and Revenue. Legislative counsel said that we had to define that particular minister in the act. That was just basically from a legal perspective that it had to be done that way. The ministry name is in there.

I do know from my previous ministry that when I became a minister, they would allocate overduties within government under names that used to be different ministries when these things move.

Under subsection (b), because the Ministry of Forests was always responsible for this act, it wasn't necessary to name the ministry itself. Basically, the definition of forest officers is being amended as a consequence of renaming the ministry. By removing the name of the ministry and substituting "ministry of the minister responsible for this act," future amendments resulting from a change in the name or mandate of the ministry will not be required. That was allowed. That's what we would normally do in legislation. But under the definition with regards to the other duties outside the act, the Revenue Minister had to, according to the legislative counsel, be defined as Minister of Small Business and Revenue, as the position exists.

B. Simpson: Just so I'm crystal clear, the second part of the explanation.... I understand the minister's comment. The first part, the minister stated that there was a legal requirement to define the Revenue Minister with the explicit name of the ministry. Is that what he

said? If not, I just need a little bit of clarity on why the Revenue Minister....

The minister's comment about not naming the ministry seems that it would still hold for the Revenue Minister, where you would state "the minister responsible for collection of revenue" or something more generic. As we all know, ministry names change. If we have a cabinet shuffle, then we could have another change, which means coming back and doing yet another amendment.

I understand the rationale for (b), and that rationale seems to make sense to me — that it should have also been applied to the definition of the Revenue Minister so you wouldn't have to come in and put in an amendment. However, the minister mentioned something to do with some sort of legal requirement to define the actual Minister of Revenue, and I'm not quite clear on that.

[1130]

[S. Hawkins in the chair.]

Hon. R. Coleman: Initially when we drafted the legislation, it was something along the lines of "the minister responsible for collecting revenue for government." That wasn't acceptable to legislative counsel because of the variety of acts that the Ministry of Revenue can affect, as well as the different changes that take place in different acts over the years. It came down to that they felt it was best to just absolutely, crystal-clear say that Revenue Minister means the Minister of Small Business and Revenue. That clarifies it completely for anybody that would do business under this legislation going forward, as would come along if a cabinet shuffle took place.

I know that in the duties and the way it's structured, the ability when ministers come in is to just change the definition of what is listed within the legislation a minister can be responsible for. For instance, when I was a Solicitor General, there were duties that were identified as being Attorney General for years in legislation. Rather than change the legislation, they just changed whom those duties could be assigned to. I know that's what took place there. This definition is there because of the advice of legislative counsel.

Section 1 approved.

On section 2.

B. Simpson: Section 2 changes some of the criteria around master licence to cut. In order to understand this more clearly, I need to understand the constraints on a master licence to cut under the Forest and Range Practices Act, which begins to take full effect this year.

Under the Forest and Range Practices Act, what, if any, are the constraints placed on a master licence to cut with respect to stewardship and with respect to timber processing of the harvested logs? I'll leave it at that just now and come back.

Hon. R. Coleman: The master licence to cut up to this point has only been for oil and gas purposes. This is extending it to allow it for B.C. Hydro as well. Because we're actually clearing and trying to keep areas clean, there are no reforestation requirements with regards to that. There are no appurtenancies attached to where the fibre has to go, but all standards with regards to harvesting under the Forest and Range Practices Act have to be applied to the application of the harvest itself.

B. Simpson: So if I'm clear, if I apply to the ministry for a master licence to cut, and I'm approved for that.... I want to get into some of the substantive rationales for why I might get one. But I want to be clear. FRPA then, with the requirements around stewardship....

I understand appurtenancy is gone already, but under stewardship I don't have reforestation requirements. Do I have a requirement to remove the timber from the area that is cut under master licence to cut, or can I leave it on the ground?

[1135]

Hon. R. Coleman: Just so we know, the only people who can have it.... You can't actually apply for one. Sorry. It's only if you're B.C. Hydro or an oil and gas operation with regards to a pipeline.

The Wildfire Act actually applies for anything to do with regards to fire hazard, but there's no requirement to remove all the wood off the ground, simply for a number of reasons. In some cases in the northeast this is so remote that there's no ability to actually move it anywhere, because in some cases there are actually no roads for the fibre and there's no economic ability to make it worth anybody's while to remove the wood. So there has to be an abatement management. I guess they've got to follow the Wildfire Act, but there's no requirement to specifically remove the fibre.

This is really clearing underneath power lines. We've found we have an issue with regards to the ability to let B.C. Hydro do their job on hydro lines. That's what this is here for. It's about the fact that right now they have to go ask for a permit to do every little piece of power line in B.C., so we have a huge administrative requirement, this huge processing requirement. There's something we know has to be done under the power lines to protect them both from fire and other hazards, so this is allowing for the master licence to cut to be applied to B.C. Hydro.

B. Simpson: I'm glad the minister informed me I can't have one. It's one of the questions that I have, because in section (ii) under (b), this is an addition to what was there already: "to authorize a person to harvest timber for prescribed purposes or in prescribed circumstances."

The minister has noted B.C. Hydro a number of times. The explanatory note talks about a utility corporation. If that's the case, if it was just to deal with B.C. Hydro, why not be explicit and say it's for clearing under power lines? As I read that, maybe I can come

up with one time where I can become a person who can have a prescribed purpose and a prescribed circumstance. It's very loose language if it's just for B.C. Hydro clearing under the power lines. Why does that language have to be so loose if it's only B.C. Hydro?

Hon. R. Coleman: If a circumstance came up that there was a need for another master licence to cut — let's say it was a private power line, for argument's sake — the ability is here to have the regulatory-making powers to do that. So we would be able to make the decision and take it through the regulatory process to make the decision and add something that would require a master licence to cut, like a hydro utility or a pipeline or whatever the case may be. The reason for that is because — at least my experience is that it is — if you actually want to manage a ministry, a land base or a regulatory power, it's easier not to have to bring a piece of legislation that takes maybe 18 months to 24 months to come through a process to get it to the Legislature, to at least give yourself the ability and your regulatory-making powers to be able to deal with issues like this in the future without having to draft legislation.

I mean, we came across the issue with Hydro. It's been on the books for a while that this is a problem. The issue's with how many permits and how to go about it. So when we drafted the legislation we said: "Okay. This time let's make sure we have the regulatory-making powers so that if the circumstance with regards to needing one of these for this type of purpose in the future can be done by regulation...."

B. Simpson: So before I pursue a line of questioning around that very comment, there's also an occupant's licence to cut under the Land Act. Could the minister clarify for me the difference between an occupant licence to cut under the Land Act and then this master licence to cut? Because it's my understanding that utilities could get an occupant licence to cut under the Land Act and didn't require this. It's quite an all-encompassing statement that the minister is adding that I want to pursue. What's the difference between, then, the Land Act occupant's licence to cut and this one?

[1140]

Hon. R. Coleman: The occupant licence to cut was what pipelines used to have to do. They would go through tens of applications in order to take a pipeline that might stretch over a thousand miles or a thousand kilometres, and they'd have to have individual little occupant licences to cut all the way along the way. So the master licence to cut changed that and allowed for the pipeline to do it.

What we're doing here is saying: "Well, Hydro's got the same problem." They've identified it to government — successive governments, I might add — and we felt it was important to address it by moving it to the master licence to cut.

The occupant licence to cut left over is really for ag lease-type operations and mineral exploration, which

aren't long, linear licences and therefore don't go across a number of jurisdictions, areas and municipalities or what have you like hydro lines and gas lines do. They're still in place for those. The master licence to cut replaces where you have a number of multiple areas, applications and jurisdictions for something like a utility — a pipeline or a hydro. The occupant licence to cut is somebody that has an ag lease or a mineral exploration thing. They have a specific area that they're working within that can be applied to a single licence.

B. Simpson: That was helpful. Thank you.

I want to go back to something that the minister said about the northeast and the fact that there wasn't the requirement to remove fibre. There's not the requirement for reforestation. There's not the appurtenance requirement. So effectively, a master licence to cut, if I understand it correctly, would allow anybody who holds that licence to go in, take the timber down and leave it where it was.

Now the minister said that in the northeast, where it's very remote, we didn't have to necessarily worry about fuel management and so on, but as the minister has indicated, B.C. Hydro, which is a target for this, is all over the province. In fact, we have B.C. Hydro operations in my riding just now that are clearing a one-and-a-half tree-length clearing on their power lines in what was managed, up until that point, as the view-cape along the Barkerville corridor.

So under a master licence to cut, what is the requirement in areas where it's not remote; in areas where there are going to be fuel management considerations; in areas where there are viewscape considerations; and in areas where individual property owners about up to the easements that the utility company has? How does the minister's logic about the northeast and none of the constraints on a master licence to cut apply in those circumstances — where, one could argue, they ought to apply?

Under the master licence to cut, if B.C. Hydro is operating along the Barkerville corridor, for example, would B.C. Hydro then have to engage the local population in any consultations with respect to their operations, and would all of the lack of constraints around fuel, stewardship, etc. still apply?

[1145]

Hon. R. Coleman: The conditions of decking the timber, etc., can be prescribed in the master licence when we issue it, with regard to areas. In actual fact, this gives us more control over what's happening under hydro lines in many ways than in the past, because Hydro under its own act could do some things without even coming through the Forests side with regard to that.

With regard to viewscape, I guess we can look at the individual issue you're talking about, but I assume there's a power line there. I assume that the people want to have power come to them, but the right-of-way is for the purpose of protecting the power line. The power line needs to be cleared so that the power line

isn't being put at risk, and we have to clear any undesirable timber around that.

The master licence to cut allows you to do that. I think you have to do it in order to protect the power line, because it's already there, and the conditions we can put in and around that with regard to decking and operations are put into the master licence to cut. Today Hydro could go in and do it without any conditions, under certain portions of their legislation, without even dealing with the Forest Service.

B. Simpson: So that I am crystal clear, if B.C. Hydro can do this under its own act.... By not naming B.C. Hydro — by simply putting in the open statement, "prescribed purposes, prescribed circumstances" — where is this indicating for me and for British Columbia some comfort, then, that now B.C. Hydro is required to apply for master licence to cut and that this in fact supersedes what Hydro can do under its own act? I don't see the connection between those two.

Hon. R. Coleman: Well, first of all, I'm telling you that we're going to put the regulation in place as an enabling situation for B.C. Hydro. B.C. Hydro is actually cooperating with government and has asked for this. That's why it's here, so that they would come under this. They always will have the authority under their own act to do what they do, unless somebody changes that legislation. But they've actually asked for this master-licence-to-cut situation to come for them, because they think it would be better, both for government and for them, in a cooperative management relationship with regard to power lines.

[1150]

B. Simpson: So I guess the short answer is no. This is on the good graces of.... B.C. Hydro is asking for this. My understanding, again, would be that this gives them a broader scope to act than maybe what they have under their own act just now, gives them some operational efficiencies if they can get it under here. But there isn't any deliberate comment or regulation in here that supersedes what B.C. Hydro already has. So if I understand that correctly, then, all this does is give them a higher degree of operational efficiency, of coming in and getting the master licence agreement — that that would be the driver for them getting a master licence agreement, rather than some sort of clause in here that supersedes the rights that they already have under the act that they operate under. Is that correct?

The Chair: Minister, noting the hour.

Hon. R. Coleman: We've got nine more minutes, Madam Chair.

In many ways it is an increase in efficiency, but it also puts in better standards and control. They are asking for a master licence to cut, which actually allows us to put some conditions for decking and timber and how it's managed when they do the cut. Today they could go in and cut the timber and do the clearing

without us having any say. They are actually saying that they want the enabling legislation. They're actually saying that they want to do it.

It really comes down to Hydro and government trying to solve what they perceive as a problem with regards to how they manage these areas under their own legislation and looking for cooperation, and I think to some degree the expertise of the Ministry of Forests in how they operate on the land base.

Noting the hour, Madam Chair, I move that the committee rise, report progress and seek leave to sit again.

Motion approved.

The committee rose at 11:53 a.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 progress, was granted leave to sit again.

Hon. B. Penner: I notice that the member opposite.... Sorry, I thought he was trying to take the floor. Apparently, he's just eager to get an early start on lunch.

Hon. B. Penner moved adjournment of the House.

Motion approved.

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

The House adjourned at 11:54 a.m.

PROCEEDINGS IN THE DOUGLAS FIR ROOM

Committee of Supply

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

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

The committee met at 10:14 a.m.

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

J. Horgan: Mr. Chair, you might have introduced us.

Welcome, my friends, to the show that never ends. I'm sure that's how it felt late last night, but it's a pleasure to be back here this morning in the Douglas Fir Room dealing with the estimates of the Ministry of Education.

[1015]

I'd like to start with a return visit, actually, to some of the issues around communications that we discussed yesterday. First, I'd like to ask if the minister could advise me what role her ministry staff play in the Achieve B.C. website.

Hon. S. Bond: We are happy to provide information and resources in terms of information, data, those kinds of things. We actually contribute to the Achieve B.C. website.

J. Horgan: But it's not managed by the ministry or ministry staff?

Hon. S. Bond: It is managed by the public affairs bureau, and we are one of the ministries that actually contribute to it. It's to provide information and resources to parents and British Columbians.

J. Horgan: Well, there were a series of advertisements leading up to the last provincial election, and they were called "The best place in B.C." or "The best place to invest." Achieve B.C. was part of that. As I understand it, \$2.5 million was expended on that advertising. It was a line item for the Ministry of Finance, but I believe there was request to the Ministry of Education to pay that. Is that the case?

Hon. S. Bond: That budget line would be with the Ministry of Finance.

J. Horgan: I'll just read from a publication. The author is Will McMartin, and he writes: "That's because the public affairs bureau, the government agency responsible for all government communications, quietly sent some of the invoices for costly ad campaigns to various line ministries." That was not the case with the Ministry of Education?

Hon. S. Bond: That was a line item for the Ministry of Finance, and we did not have any contribution to that.

J. Horgan: Then the \$2 million that is now a line item in the Ministry of Education.... Was there a treasury board submission for that expenditure?

Hon. S. Bond: As I mentioned last night to the member opposite, the public affairs bureau has transferred advertising budgets to some ministries to better reflect where that spending is done. The change was a policy decision.

J. Horgan: Well, I'm confused. As I understand it, ministries prepare submissions for resources on an annual basis. They go to Treasury Board. Treasury Board reviews the submission and approves. They have a median high and low expectation for submis-

sions. So was this \$2 million pennies from heaven, or was it actually requested by the ministry?

Hon. S. Bond: The policy decision was made to transfer advertising budgets to several ministries to better reflect spending. That's exactly what occurred.

J. Horgan: Who has signing authority for that \$2 million within the ministry?

Hon. S. Bond: As we explained last night, the relationship is one of consultation between, obviously, our communications staff, our ministry and the Ministry of Finance.

J. Horgan: Ultimately, every expenditure is the responsibility of the minister — I believe that's how our system works — so this \$2 million is the responsibility of the minister. If that's the case, I would hope that the minister would have someone that reports to her that was responsible for that expenditure. But if I hear her correctly, \$2 million is her responsibility. It's disbursed by someone else. Is that correct?

[1020]

Hon. S. Bond: As I indicated, the plans would be approved by both Finance and Ministry of Education, and that's the way the process would work — a collaborative discussion about how best to utilize those dollars.

J. Horgan: Would any of that money be used to provide material for the Achieve B.C. website?

Hon. S. Bond: We have no specific plans in terms of the utilization of those dollars at this point in time, and we need to remember that Achieve B.C. is under the mandate of the Ministry of Finance.

J. Horgan: Well, again, transparency doesn't seem to have the same meaning for the government of British Columbia that it did in 2001. It seems strange to me that an expenditure of \$2 million would be given to the budget of the Minister of Education, and the Minister of Education has no plans for that money at this point in time.

I understand that things come up, but that's what contingencies are for. This isn't a contingency; this is a line item for communications and advertising. If I understand correctly, there was no request by ministry staff for this resource, and there's no plan to spend it at this time. Is that correct?

Hon. S. Bond: A policy decision was made to transfer funding around advertising budgets to some ministries. The Ministry of Education is one of those. We're going to use those dollars to effectively communicate information to the people of British Columbia, and at this point there has been no strategic allocation of those resources. We will determine that over the course of the next few months.

J. Horgan: So the policy decision was a cabinet decision?

Hon. S. Bond: Well, for the third time, it was a government policy decision that actually saw the transfer of dollars to ministries so we could place the dollars where it reflects where they would be spent. The Ministry of Education received \$2 million of those dollars, and we will be working to put together a strategic plan about how best to utilize those dollars over the next number of months.

J. Horgan: I have other responsibilities in the other chamber, so I'm going to give the floor to my colleague from Powell River-Sunshine Coast and later to my colleague from Vancouver-Hastings.

N. Simons: I thank the minister for being here to answer some questions.

Primarily, I would just like to ask around the issue of school libraries. If the minister can, I'm sure.... If you want some time to get other people.... I don't know how complicated my questions are going to be. Currently what's the ministry's overall service plan regarding the funding and support of school libraries — just in general?

Hon. S. Bond: I'm sorry; we were just dealing with a staff issue. Would the member opposite please repeat the question for me? I apologize.

N. Simons: Perhaps this time I'll make it more coherent. I appreciate often having a chance to do a dress rehearsal, and I guess that was that.

My question is generally about the funding to school libraries and if the minister can give me an overall view on the service plan in terms of supporting school libraries.

[1025]

Hon. S. Bond: It's ActNow B.C. morning up and down, I can tell you.

We actually know that school literacy is an absolutely critical element for this government but also for all 60 school districts. The member opposite might be interested to know that all 60 school districts have made literacy one of their number-one priorities. In fact, we saw in 2005 an increase of school funding by \$150 million, and one of the things we suggested and looked at in terms of the use of those dollars, and we made that suggestion to school districts, was to enhance library services, music and arts programs and special needs education.

We've seen that the library services portion of the budget that schools have allocated has actually risen quite substantially. Again, we send dollars to school districts with the core funding amount and ask them to choose how best to use those dollars. But with the additional money last year we specifically, in essence, suggested that one of the areas that should be considered was the enhancing of library services.

N. Simons: Thank you for the answer. I'm wondering: is there anything more than suggestion that will

help convince school districts, I guess, and boards to actually put those extra funds into supporting the library infrastructure?

Hon. S. Bond: I appreciate the member's concern and question. I think one of the principles that we're trying to maintain is the ability for school districts to look at their individual needs and to best serve their students. So while trying to maintain that balance between how you serve students and our focus on literacy, we also want to give school districts the ability to make decisions themselves.

We found that when we increased the budget by the \$150 million with that suggestion, we actually saw significant additions to library resources. For example, many districts chose to hire teacher-librarians. Some chose literacy mentors. There was a variety of ways of doing it.

We really are reluctant to target funds specifically, because it does tend to limit flexibility. One of the things boards asked us for early on in our first mandate was the ability to have some extra flexibility.

N. Simons: I guess my concern is that sometimes certain programs are often the first to get cut, as the minister likely knows, and others have broader support — perhaps sports organizations and such. I believe that most people see school libraries as the cornerstone of literacy and of learning in schools, and I'm wondering if the minister considers an approach that might be more than just relying on the good graces and adequate budget of the school boards in order to promote the strength and integrity of school libraries.

Hon. S. Bond: One of the things that we can certainly continue to do is.... First of all, funding for public education is at the highest level it's ever been at, and we do want school districts to have some of that flexibility. But I can tell you this. Certainly, from my visits and also from accountability plans and school growth plans, we see that schools and districts very much recognize that literacy is the key component. We are seeing incredible innovation across the province looking at ways to serve students, and libraries are certainly one of them.

There are a number of ways that school districts organize their libraries. While I certainly want to ensure that our students have that as a top priority, I also need to balance that with the whole need for flexibility and the unique nature of certain schools and certain school districts. I think that by providing dollars to districts, encouraging them and supporting them as they make literacy their number-one goal, we can certainly move the literacy agenda forward.

N. Simons: I thank the minister for her response. There was one program in particular that I heard about that existed prior to the first term of this government, which was the school library book purchase plan. I know that many educators — and authors, actually — have expressed to me their concern that the program

was cut, not just because of the importance that it placed on the purchase of books that were published in B.C., written by B.C. authors, but because of the access schools had specifically for funding for books. I'm wondering if the ministry would be considering the reintroduction of that very valuable and appreciated program in the future.

[1030]

Hon. S. Bond: I would be very interested. I'm not aware of that particular program and how that existed, but I'd be very happy to get some more details and hear about that. I certainly support the member opposite's view about the whole issue of B.C. authors and having access to B.C.-authored books for our children.

When we do the Ready, Set, Learn program and the kindergarten books and also the Books for Babes, one of the criteria that I look at first and foremost is whether it's a B.C. author. I'd be happy to discuss this with the member opposite at some point. I'd love to see us initiate an opportunity for a book.... "Contest" is the wrong word, but an opportunity to encourage B.C. authors to actually write books that we can then use in those programs.... I'm just considering how we might do that.

I share the member opposite's concern. I think we absolutely should be advocates for books written in British Columbia. I think access for families, especially some families who have difficulty acquiring those books, is essential. So certainly, we continue to look for ways to have books more available.

We've also added to the public school system literally millions of dollars for textbooks over the last number of years to see that our textbooks are being replenished and replaced as well.

I thank the member opposite. I think there are some great comments there, and I would be happy to look at the school library book purchase program and just understand better what that looked like.

N. Simons: I think that there will be a number of authors and publishers in B.C. who will be encouraged by those words, as I am. I do believe that the textbooks are very important to promote literacy that extends beyond simple knowledge but also experience, and literacy is so much about learning about culture.

I'll be looking forward to speaking to the minister about this particular program, and I believe she shares our interest in promoting the culture of book reading and book writing in British Columbia. At this moment, perhaps, I'll turn it over to my colleague from Vancouver-Hastings, if I'm not mistaken, who has some questions of the minister.

S. Simpson: Thank you, Chair, and thanks for the opportunity to speak to the minister a little bit about some matters related to Vancouver primarily, and largely to my constituency and to East Vancouver.

The first issue that I would like to canvass a little bit with the minister is the question of school enrolment in Vancouver. I believe we've seen a reduction in the en-

rolment in Vancouver, and that's creating some pressures as schools are doing seismic improvements. We have this challenge where we've seen some reduction in enrolment, primarily on the east side of Vancouver, and then we've seen other areas where there are growth pressures. For example, I believe Vancouver is exploring the building of new schools out in the university area. I believe an elementary school and a secondary school are both contemplated there. In the False Creek area there's probably also the need for a new school, and we may find that there are others in the Vancouver area as well that are required.

The issue that I have around this is.... Maybe first the minister could tell me what the impact of that is in terms of the school board having to look at closing classrooms or schools, depending on the options that they choose in other areas of the city where we've seen enrolment reductions like the east side of Vancouver. What might the implications of this be?

[1035]

Hon. S. Bond: The challenge of declining enrolment is a very real one in British Columbia, and it's felt very differently in different parts of the province. So as I look at the statistics, I can certainly give the member opposite the percentage drop of students in school district 39 and put that in the provincial context.

Not to sound like it's a simplistic answer, but the challenge of closing classrooms in schools is not nearly as severe in this district as it is in many other districts, in other parts of the province. My own district, school district 57, would be a really good example of that. In a district the size of ours, which originally had about 19,000 or 20,000 students, we've lost almost 5,000 students. So there was a closure of 13 or 14 schools, I think, in that school district.

When I look at Vancouver's enrolment history, we can see that enrolment peaked probably in about 1998 with 58,000 or so students. The drop as of this year, 2005-2006, the cumulative drop in enrolment, would have been about 2.1 percent. So they're down — I'm looking here — just less than 2,000 students. In a district with 57,000 students in it, it does mean there may be some challenges in individual classrooms or schools, but certainly not the trend we're seeing provincially.

Hon. Chair, if I might end this part of the question by saying that if you look at enrolment across the province since 2001, if you include this year's projection, we will have lost 37,000 students across the province — so some very dramatic numbers in particular regions of the province, not quite as dramatic certainly in the Vancouver school district.

S. Simpson: Maybe the minister could tell me whether this is an accurate comment. I appreciate that the global drop is around 2,000 students. What happens is, as we see the population shifts within the city, we're going to see the creation of new capacity in areas of the city. What that may mean — I believe the number that I was told, and I would be happy to be corrected on this — is that we're actually looking in exist-

ing schools at about 4,000 spaces having to be dealt with, not 2,000, because we're creating additional capacity in those areas where the population has grown. Would that be an accurate number — that there are about 4,000 spaces that have to be dealt with?

Hon. S. Bond: We're not familiar with the 4,000 number. We're just trying to determine. In essence, that could be accurate, but we can't verify that.

But the comment made is an accurate one — the challenges that in particular urban districts, not just in British Columbia but across the country, are facing with the moving of population to certain parts of that district. So there are challenges. It is our goal, however, always to try to maximize the use of space that exists before we add new capacity. That's challenging when you see particular growth areas, for example, like False Creek and places like that.

There is a balancing act that's required by school districts, and I think the member opposite's comments reflect a thoughtful approach to the challenge that school districts are facing. There will be that challenge of trying to sort out how to deal with existing capacity in particular parts of the district and the requirement for additional seats and spaces in other parts. I think the member opposite's comments are accurate, and we simply can't verify the 4,000 spaces at this point.

[1040]

S. Simpson: I appreciate the minister's answer. I know — or my expectation is; I don't know — that because of the requirements of the ministry around ensuring that school boards optimize the capacity they have and are using the spaces that they have.... There are requirements, I believe, about.... I don't know what the percentage is; I'm sure the minister can tell me about occupancy percentages — expectations around occupancy of schools and that.

Is it correct that in order to be able to access things like seismic upgrading dollars and renovation and upgrade dollars on facilities, that these percentages — I think I heard 90 percent, but I don't know that that's accurate — that those standards have to be, essentially, met across the district in order to be able to access seismic dollars or other upgrade dollars? Can the minister confirm that?

Hon. S. Bond: The actual threshold number is 95 percent in elementary school, so it was very close. As I pointed out earlier, one of the things we're most interested in is trying to find an equitable distribution of resources in any district but in particular in the urban districts. So it's a 95-percent utilization threshold, and that would have to be met before we would even consider looking at new space. We very much want to maximize the use of the public assets that are in place already. Hopefully, that answers the threshold question.

I do want to make sure the member opposite also is aware of this. The seismic program is being managed separately. In essence, the most significant factor there

is seismic risk. It is not the threshold. In fact, buildings that require seismic upgrade would not necessarily have that threshold capacity. Obviously, we're looking at the issue. We're looking at the long term of the building, but the most important thing is seismic risk, and it's being managed separately as a separate capital component.

S. Simpson: I appreciate that, and I know the seismic challenge. My daughter is at Vancouver Technical Secondary, and it's in the middle of a major upgrade. She's in grade nine and is probably prepared to spend most of her high school years in the middle of a construction area, but that's just the way life goes.

But I know at that school, for example, I believe the plan — as it's quite a large school; about 1,700 students — to meet some of the requirements around reduced capacity may actually be to reduce the overall size of that school and take some seats out of the school as it goes through this seismic process, and that might make good sense. It is a large school, and taking a hundred or a couple of hundred seats out of that school wouldn't necessarily be a bad thing in terms of the environment of the school.

But I then want to kind of take this to where I wanted to go with this discussion a little bit with the minister. It's around the question of how, sort of, the formulas that are there that require school boards to make certain decisions around classrooms and, in some cases, schools. Probably a big part of the discussion will be annexes, which are maybe easier to look at closing if you're talking about closing a complete facility.

[1045]

I know in my constituency I may have more inner-city schools than any other constituency in the province. I certainly know that between my constituency and those of the members for Mount Pleasant and Kingsway and some of the east-side schools — which is where we're seeing the reductions in enrolment right now — there's a different dynamic in terms of some of the challenges in those schools simply because of the circumstances that these kids are in.

The question that I have for the minister is: when you have that discussion with a school district around how they meet the formula or the requirements around seats and facilities and enrolment, how does that discussion engage with the one around meeting the needs of kids, particularly vulnerable kids and kids who are in challenging circumstances or have challenging family situations? How do you meet what can be contradictions in those two areas?

Hon. S. Bond: I want to just comment very briefly on the comments about the member opposite's daughter and the school work taking place there, because I think that's a really important observation that should be shared with other British Columbians. In fact, there is seismic work being done there. We also, on a case-by-case basis, try to make maximum utilization of the capital funding and the seismic funding. If a school

needs to be worked on, we'd like to do that as a package.

I think the member's comments are actually very important for British Columbians to hear — that we're trying to do the best job in the most efficient way on a case-by-case basis. So in fact, we don't know for sure that that school is being downsized, but it's likely that it is because of the size of the plant and the number. We're trying to do that very efficiently.

A tough question, actually, from the member opposite about the balancing of the individual and unique circumstances of vulnerable students and inner-city schools and matching that against the needs and the capital challenges that we face in terms of declining enrolment. Formulas guide the decision-making process, and the real engagement takes place at the school board level. School boards have to weigh all of those things. The formula acts as a guide, and yes, we do use that guide. But I also know that when that decision is made by the school board, they make recommendations to the ministry using the formula as the guide and, also, balancing the needs of those students against that.

We also, as a ministry, take a look at, you know, the best interests of students, looking at the project and trying to find ways that we can make this work, but it's not an easy task. There are challenges with the declining enrolment. Certainly, the major engagement around those issues does take place at the local school board level.

S. Simpson: I appreciate that. I know every school's different. When I talk to the principals in the schools in Vancouver-Hastings or I talk to the parent advisory councils, they all, of course, will tell me that their schools are unique and that they have special demands. They're all correct, but they're not alone in this.

[1050]

The question — and the last question I'll ask specifically, I think, in relation to this — is: how will this work in terms of...? The minister is saying that school boards will make recommendations around these kinds of issues, around trying to balance the formula with the dynamics and special circumstances of individual schools and the composition of their student populations and the unique challenges they have, and then the ministry will consider those things, and some decisions will be made.

How is that affected by what I believe is this discussion around school-centred leadership, where you're now going to have, I'm sure, parent advisory councils and individual schools that are going to be telling you about the uniqueness of their situation? You're going to have school districts telling you about how they meet the formula to reduce their seats, and you're going to have the ministry.... Can you tell me: how does this complicate or make things easier to figure out?

Hon. S. Bond: The whole concept of school-centred leadership or, as I prefer to call it, student-centred

leadership, which is really what it is, is the whole approach that talks about making decisions closer to classrooms. In fact, we have two models in British Columbia that already operate on a principle very similar to that — in fact, that model — and the capital program has continued to exist in those districts very similar to the way that it does now. Really, we're talking more about the operational and programmatic side of the process. We don't anticipate that it will shape the capital side in ways that are significant. In fact, they continue to be the same in the districts that now operate with this model.

In terms of student-centred leadership, we're just discussing that with districts now. We're just having a discussion. I met with a group of DPAC chairs on the weekend to talk about school-centred leadership and what it looks like and what the barriers to it might be. We're very much in the formative stages, but I don't anticipate that it would impact the capital side of the agenda. The focus is mostly on the instructional side.

S. Simpson: Thanks to the minister for that.

I will switch gears here for a couple of quick questions, and then I will be done. These questions revolve around urban aboriginal issues. Again, in my constituency of Vancouver-Hastings I have a very large urban aboriginal population and a lot of children of first nations kids. From talking to the high schools in my community — to Templeton, which has a fairly large urban aboriginal population.... As the minister will know, there have been real challenges around graduation levels and around engaging these kids and getting them through school and on to be able to create other opportunities for themselves.

Could the minister talk a little bit about what the thinking of the ministry is about how it will be supporting districts but, more importantly, also individual schools that have significant urban aboriginal populations, to meet the challenges they have and to begin to both encourage these kids to stay in school and to have better success.

Hon. S. Bond: Certainly, I share the member opposite's concern about our aboriginal young people, not just in urban settings but across the province. There are some very specific challenges for urban aboriginal young people today.

In terms of the Vancouver school district, the funding has remained stable, actually, for the aboriginal portion of their budget. We do fund school districts on a per-student basis — additional funding of \$950 for every aboriginal student. So we continue to provide resources in that way.

I think one of the areas that holds the most hope for me, as I look at the results around the province, are the aboriginal enhancement agreements that have been signed. I think there are 23 districts now, but we expect every district in the province to have an aboriginal enhancement agreement.

I'm hopeful that Vancouver.... The Vancouver school district currently doesn't have one. They are working on one. For me, it's a process which actually

sees aboriginal people being involved in the decision-making about what's best for their students in the school system.

[1055]

The results have been quite dramatic in districts where aboriginal enhancement agreements have been in place for a number of years. One of the measures that we're looking at is having every school district have an aboriginal enhancement agreement. Those are the kinds of things, in working with the aboriginal community, that will make a difference for us over the long term.

As I have visited districts, the emphasis on aboriginal education is really quite outstanding — things like elders in the classroom programs, where I've met elders who are actually in the school, not to simply help aboriginal children but non-aboriginal as well. We also prepare a report every year called *How Are We Doing?* which outlines the results that we see in our aboriginal completion rates.

I would agree with the member opposite that the completion rates are certainly unacceptable at this point, at 48 percent. That is a 6-percent increase over a number of years, so I think we're starting to see gathering momentum. Certainly, resources are in place. I think we are going to see the gap closed as we move forward over the next number of years.

S. Simpson: I just want to thank the minister. I'll be done then.

J. Horgan: I'd like to move now to a brief discussion on the graduation program and the graduation portfolio.

I know that in 2002 the government undertook a significant review of the graduation program, and there were a number of changes that came about as a result of that review. I was wondering, as the minister and her staff settle, if we could discuss, initially, the graduation portfolio.

I bring this up.... I'm the Education critic, so I'm paying attention — I think, probably more than your average bear — to these issues. I have two children: one who is not required to complete grade 12 with a graduation portfolio; one that is. So in our household, we have one that goes "Nah, nah, nah" to the younger one, and he looks at me and shrugs.

[A. Horning in the chair.]

When I quiz him as a parent, when my children come home from school, he shrugs his shoulders and says: "I don't know, Dad. I don't know what it's all about. They say it's fine, though. Everything's fine." He's getting "A"s and "B"s, but he may not be fulfilling his portfolio. Now, could the minister possibly tell me, in her words so that I can express this to my son when I get home: just what's the point of the graduation portfolio?

Hon. S. Bond: Perhaps the member opposite would be interested in the fact that very soon — if it's not there now; it may well now be there — the new video

is out. We actually announced last week a series of initiatives that would provide additional resources to parents and students. I can tell you: one of the things that is so essential for our students is.... As they move forward, we want to recognize and capture their skills and abilities that may not necessarily be captured through an academic course. The portfolio is a reflection of a student, their skill set. It is absolutely the way of the future, both in terms of what post-secondary institutions will be requiring and also, frankly, what employers are asking for when young people arrive on their doorsteps.

The tools we've just announced include a more comprehensive website with information and samples of student portfolios. We've added additional money to the B.C. Confederation of Parent Advisory Councils to coordinate parent workshops. There will be school districts holding parent information nights. We will have an e-mail response site and a 1-800 help line where parents and students can get additional information. The most exciting thing is a video that shows young people completing their portfolios. They show employers and civic leaders saying: "This is a great thing. These students are remarkable."

We think it's well time that we move forward and help support, additionally, the portfolio.

J. Horgan: I think that that inventory of tools is a valuable one. After today I'll try and find them and access them so I can better answer these questions. But perhaps the minister, instead of telling us where we can find these tools, could tell us in her own words what types of programs and what types of initiatives are required to fulfil the portfolio.

[1100]

Hon. S. Bond: The portfolio, and the point of it, is to recognize the unique individuals that students are and the accomplishments that they have, perhaps, outside the school world. For example, if a student is an accomplished dancer, we want them to be able to achieve credit for some of the skills that they've garnered outside of the school system. There are six criteria that are in place, that students must meet, but in fact, these are.... The portfolio is designed to represent the fact that a student may have time-management skills. They may have additional information-management skills that they're utilizing.

I can assure you that the portfolios I've seen have been as different as the students themselves. One of the young men brought the medals he had won from a swimming competition and displayed them for the employer and talked about what it took to become an athlete of that calibre.

It's an exciting concept. It's in the early stages. The interesting thing is that parents who have children in younger grades are telling me, as of Saturday, that they can hardly wait and that they're going to begin to develop those portfolio initiatives, starting right now.

J. Horgan: Well, certainly we want to celebrate the successes of our children in other areas of endeavour

beyond academics and beyond the classroom. I certainly support that. But where, I think, at this formative stage.... I don't disagree with the minister that over time this will become the norm. Students and parents will understand it. But we're in the transition period, and I appreciate the inventory of tools that is now available.

As I said, I have a son who's in the middle of this transition, and as it's evolving, he's just shrugging his shoulders. He has a bevy of medals. He has zero time-management skills, but I'm confident that he will be able to meet the requirements of this portfolio, based on his extracurricular activities.

But what about those kids that don't have access to athletics because of social circumstances and don't have access to the workplace? The sphere of influence of their parents is reduced and not as broad and extensive as mine would be or other parents' would be. How do those kids deal with the portfolio in a way that's positive, rather than just yet another challenge to fulfil their requirements?

Hon. S. Bond: First of all, I want to indicate that there have been a series of supports available from the inception of this program. We have portfolio documents that parents can pick up. We have resources. We have a number of initiatives.

I was listening to parents and students. Parents said: "We need some additional help." So as of, I think, Thursday, a week ago, we said: "Here are some more tools to help you do this."

Schools have been very innovative in many ways in terms of their approach to this. There are some schools where a student can take a course to help them complete their portfolio. It very much depends on the school district and how they've chosen to approach this. Some have individual teachers that are responsible for the portfolio program.

I can assure you of this: we're concerned that every child have the opportunity to complete a portfolio. That's why we announced a new series of initiatives to help provide support, and we're going to continue to do that.

We know this: the portfolio is the way of the future for post-secondary institutions. In fact, I had a student tell me that one of the reasons she was successful in becoming the youngest student to get into a BCIT program was because she presented her portfolio. She had completed that at one of our pilot school programs — on the Island, in fact — and as a result of her presentation of the portfolio that she had completed, she was successful in gaining entry to BCIT. That was one of the components.

In terms of a student having to be an athlete, the requirement is 80 hours of physical activity, and that can be documented in a number of ways. It does not have to be an organized sport. It can be a variety of ways. We're simply asking students to demonstrate that they've participated in 80 hours of physical activity.

J. Horgan: I thank the minister for her response. But I guess the point that I'd like to explore with the minis-

ter.... Again, I'm not wanting to denigrate the program, because I think that for high-end, high-achieving kids, this is a good thing. I'm concerned about that middle group and potentially that lower group. How will the portfolio be modified over time to address those lower-end kids that may not have access to the same opportunities that the higher-end kids do?

Hon. S. Bond: That's an interesting comment because one of the groups of people that have found the portfolio to be most useful and most beneficial is special needs students. It's a way that moves beyond the traditional curriculum, beyond the traditional academic expectations, and allows a child or a student to express what they're good at. To get four credits for being able to say "I have a certain set of skills that aren't necessarily measured in an academic way" is absolutely great news for students, particularly special needs and more vulnerable students.

[1105]

It is a school's responsibility, and a school district's responsibility, to find ways to provide support to those students as they move forward with their portfolios. That's why we presented a new series of options to add additional support. We're going to continue to have dialogue all across the province with parents and students about how this will be successful.

Let's face it. This is a new program. It is about education for the future. It's about better preparing our students. Yes, it's going to take some time, but I can assure you of this: we know this is of benefit to all of our students. I'm delighted that in particular, our special needs students and their families have found this to be an important tool for them.

J. Horgan: Okay. How about this? I am in grade 11. I am a marginal student. I have a learning disability that has not been identified, and therefore, I don't get any additional assistance in my classroom. My single-parent mother works two jobs. I see her in the morning when she slaps down some toast in front of me before she goes off to her second job. The graduation portfolio is an additional stress for that child — an additional stress that perhaps they don't need.

I'm wondering if the minister has contemplated that child in this scenario. That's the issue I'd like to discuss.

Hon. S. Bond: Those are precisely the kinds of students we want to make sure have the opportunity to actually demonstrate that they have unique and incredible talents, whatever those circumstances might be. So school districts are being incredibly creative.

For example, at Rutland in Kelowna the school district actually provides a course, a locally developed course, a board-approved program which students are required to take. Through that program, they actually are able to complete their portfolio. The vast majority of credits can actually be gained by a student through grade ten, 11 and 12 pro courses, and I've seen a number of formats that are used to do that. You know, the point here is that this is a benefit to students.

At the end of the day, there will be challenging groups of students that we need to provide extra support for, but that's precisely what we intend to do. School districts are fully aware of who those children are and are providing incredible opportunities through a unique series of ways. We just handed out Portfolio Innovation Awards, and numerous districts across this province were recognized for the incredible ways that they've decided to support children, recognizing the importance of a portfolio.

J. Horgan: I don't want the minister to misunderstand me. I believe that over time this program will work, but my concern is that in the drive to amend and reform public education since 2001, adding graduation requirements for grade tens puts 14- and 15-year-olds in a position where they have to perform at a high level earlier than they would have had to otherwise. In addition to that, the portfolio was added on top of it. So we're in a transition period.

I don't agree with the minister when she says that school boards fully understand every child in their district. They don't. There are kids that are not being assessed as special needs who require assistance today in school districts right across the province. It's certainly a laudable goal to identify every child that needs assistance, but it's not happening today. So I completely disagree with that statement.

However, if it's the responsibility of school boards to ensure that the portfolio requirements are being met, what additional dollars would the minister propose to ensure that school boards are able to assess and identify special needs kids so that they can fulfil their portfolio requirements?

[1110]

Hon. S. Bond: As resources are always provided to school districts, this is a four-credit course when you get your graduation portfolio. That means it comes with \$800 per course, and in fact, if a student then takes a board-approved course, that's an additional \$800. This is part of the curriculum. Curriculum and courses are supported through funding to districts, and that's precisely what they'll get.

I can understand and certainly appreciate — which is why we very quickly added a new series of supports for school districts — the concerns about this being a new program, but quite frankly, education at the status quo is simply not going to continue to exist this way. We need to see change and move forward using technology and new approaches in education.

Our job and responsibility is to make sure that in the transition, our students are well served. We understand that the portfolio is already providing benefit to our students. Our job is to ensure that the transition works smoothly. That's why we're adding additional tools as recently as last week.

J. Horgan: As I said at the outset, as the Education critic, I make it my business to try and understand these issues perhaps better than the average citizen. I

have children in the system who are required to meet these obligations now, so I'm paying additional attention, and I'm still perplexed by a good deal of it. So if I'm the standard, if I'm the quintessential parent in this scenario, I'm having difficulty, and I'm anxious to access the tools that the minister suggested.

What really concerns me — seriously concerns me — is those parents who don't have the time, don't have the inclination to do the groundwork that I or other parents may well do to find these tools and resources. For that 15-year-old who is making toast for their single mother in the morning, it's an additional stress. I'm wondering if the minister has contemplated how we deal with those stresses. Would it be a lift in the budget so that we could have more counsellors in schools to assist with these issues?

Hon. S. Bond: School districts across the province have a responsibility to actually assist these students to complete their portfolios. I would urge the member opposite to go and take a look at the awards that were handed out across this province, because educators actually care about every child sitting in their classroom and are working to find ways to help them be successful — not only with portfolios but, in fact, with their entire completion program.

We have sent out resources to families. We have brochures. We have resources being provided in schools, and districts are choosing to do that in very different ways. Our job is to make sure that we're providing resources and support wherever appropriate, and that's exactly what we're doing.

J. Horgan: One of the things I'm hearing as I travel around the province is that there is an addition almost monthly of responsibilities and requirements at the district level, and the accompanying resources aren't following. It's all well and good to say that there is \$800 per child for this program, but I'm not clear as to how that money.... The money goes to the board. The board distributes it to the school on a per-pupil basis. Is that what's happening?

Maybe you could explain the funding formula to me — how this money is getting to the classroom.

Hon. S. Bond: The fact of the matter is that education funding is at the highest level ever in British Columbia. We can grimace and not like that idea, but it's actually true.

What happens is the block funding is sent to school districts across the province, and school districts then look at the schools that are within their district. They take the block funding. They make allocations. Perhaps they do it by staffing. They also send additional resources for supplies and things like that to schools, and then educators make decisions about what happens in classrooms.

The school funding formula provides a block funding amount so that districts and schools have as much flexibility as possible. Four-course credits are \$800. Whatever course that might be, part of the block fund-

ing is made up by credit courses at \$800 per course. That goes to the block and is sent to districts.

J. Horgan: I have an example. A split class — a grade four-five class. There are 17 grade fours. Within that 17 there are four learning assistance, one extended learning assistance, two behavioral and one social disability. Of the grade sixes — there are five grade sixes — one is Down syndrome, and one is triple X syndrome. There is one academically challenged disabled and a behaviour and academically disabled. With the highest per-pupil funding ever in the history of the world, what happens in this class? How does that formula assist this teacher with one teaching assistant?

[1115]

Hon. S. Bond: First of all, I'd be happy to take that information, if the member opposite would be happy to provide it to me, on which class that might be in British Columbia.

We now have the ability to actually look at class size and composition. Obviously, the decision to put that class together was made by a group of educators in a school district and probably in a school. Certainly, the composition issue sounds rather challenging. I'd be delighted to take that information and ask the rationale for putting students in that configuration in a classroom.

J. Horgan: I would be happy to provide the information to the minister on the class in question.

The reason I bring this up.... It's a graphic example, no doubt. We're into our second day of discussing the ministry estimates. There are some fantastic things happening in the province, right across the board. We had a vivid example of that yesterday at an announcement that the minister made with eight individuals from various elements of the system — a teacher, a student, a support worker, a trustee, a superintendent. Those were all outstanding examples of the positive things that are happening in the system.

But there are numerous examples where people are falling through the cracks. Those are the issues that I'm obliged to bring to the minister's attention, and that's exactly what I'm doing. I want to celebrate those victories just as much as she does, but it's also my responsibility to open up our eyes a little bit and to peek under the rock and see where the problems are.

It's all well and good to say that there's more money flowing into the classroom than ever before, but I think we'll also be able to acknowledge that that classroom is radically different than anything we've ever seen before. That's a vivid example of that.

My children's classes have large numbers. The social dysfunction with some of the students is appalling. My friend from Vancouver-Hastings could have told stories that would have curled our hair. That's not what we're here to do, but I do think it's important that the minister recognize and acknowledge that everything is not roses in the province. We have some great success stories and by and large the best system in the country. I would stand with her anywhere and say

that. But there are challenges, and it's my job to raise them. That's what I'm doing.

With respect to the graduation program review in 2002 and the minister's assertion that this is the way of the future, can the minister tell me what other jurisdictions have graduation portfolios?

Hon. S. Bond: There are several jurisdictions. We are the first in Canada. There are states in the United States that use a similar format.

I think the member opposite needs to understand that there were 100 meetings talking about the grad review when we did that in 2004.

Interjection.

Hon. S. Bond: In 2002. Sorry, hon. Chair, I had to look back to get a correction there.

We had 100 meetings. In fact, the whole point of a graduation portfolio is actually to demonstrate the ability of a whole student. There was much discussion about how you capture the student — the skill set, the capabilities that might not be measured academically.

This is a way to provide students with an opportunity to show the world who they are and what they've accomplished. Yes, there are students who require some additional supports, and we're going to work at providing those for those students. But I can assure you of this: when I've seen some of the product and some of the interviews that take place.... A student actually says in that video.... I can't quite quote him correctly because I can't remember it precisely, but it's basically: "I realize I'm a lot better than I thought I was." The concept of: "I have a lot more to offer people than I may have thought I had before." That's what the graduation portfolio is all about.

[1120]

J. Horgan: That last comment from the minister resonates with me, and I could actually see that in many of the students that my kids bring home. They do have more confidence — or not as much confidence as they should have — and perhaps this portfolio program is a way to tap that confidence.

As I said, I'm quite happy to support the initiative for those overachievers that are succeeding and doing well. I'm profoundly concerned about those that are just dealing with yet an additional stress that they may not understand, and they don't have the adult supervision to identify where they have already succeeded. Those are the issues that we'll have to deal with as the program matures.

If we're the first in Canada and we had 100 meetings in 2002, can the minister tell me what other jurisdictions in Canada would be contemplating this? Is there any jurisdiction that's close to introducing a program such as this?

Hon. S. Bond: At the moment we think that Alberta and Ontario are contemplating similar processes.

Let me give the member opposite an example. The faculty of business at UBC now requires a portfolio. I had a daughter that was in the post-secondary education, taking a particular degree, and she was required to complete a virtual portfolio. So it's here. It's expected in some institutions, and we'll be moving further forward.

The whole point is about being able to demonstrate a student's capabilities that may be outside the academic realm. If the member opposite wants to talk about stress, I would suggest that many students had incredible stress when the only thing we considered was their academic world. In fact, there are vulnerable children. There are aboriginal children, for example, who participate in dance and many cultural activities in their very challenging personal lives, and yet now they can demonstrate that and receive credit for that.

We're trying to find a way for students to actually demonstrate who they are and what their accomplishments are. Our responsibility is to manage the transition well and to make sure that support is being provided to those students who may not have the support they need in their homes.

J. Horgan: I'm surprised at the revelation that UBC requires a portfolio and that British Columbia is the only place that has that. How would a student from Alberta access the program? I suppose I'll have to wait to ask the Minister of Advanced Education that question.

It seems odd to me that if we are the only jurisdiction requiring it and in fact haven't graduated the first tranche of portfolio students, how that could be a post-secondary requirement. Does the minister have an answer to that, or should I ask another minister?

Hon. S. Bond: In fact, it's the faculty of business. That's not post-secondary. In fact, we've just found out, thanks to the beauty of technology, that Nova Scotia and Manitoba have already implemented similar programs. At this point they're optional, but portfolio programs are in place in both those provinces as well.

J. Horgan: So the faculty of business at the University of British Columbia requires a portfolio?

Hon. S. Bond: Yes.

J. Horgan: My son will graduate this year without a portfolio. Will he not be able to access the faculty of business at the University of British Columbia?

Hon. S. Bond: No. The member's son would have to create one before he applied. It doesn't actually mean he'd have to have done it in school.

The point is that we're trying to help our students have that ability and have that ready so that when they leave.... In fact, many employers require a portfolio in job interviews, and the school system hasn't done it up till now, so people have to create them by themselves. We think: let's get them ready; let's have them with another set of tools as they move forward.

[1125]

J. Horgan: Can the minister tell me what other jurisdictions in Canada have a grade ten graduation requirement? Grades ten, 11, 12.

Interjection.

J. Horgan: Your courses in grade ten are required for completion. You need to....

Interjection.

Hon. S. Bond: Could we have that question rephrased, please? We're having a bit of a challenge answering it, actually.

J. Horgan: The 2004 graduation program changes that were implemented by this government — they included grade ten examinations? What other jurisdictions in Canada require grade ten examinations?

Hon. S. Bond: All provinces in Canada have a grade ten requirement. Not all of them necessarily have exams.

J. Horgan: To get to grade 11, you have to finish grade ten. I guess that's clear across the board. That really wasn't my point.

I understand that the province of British Columbia introduced testing in grade ten after 2004. My question would be: what other jurisdictions in Canada have implemented a grade ten test?

Hon. S. Bond: Rather than take time trying to sort that out, we will get the answer and bring it back later today.

J. Horgan: Was the comprehensive review in 2002...? I assume it's at that time that the decision was made, based on that massive consultation of 100 meetings, to introduce the grade ten test?

Hon. S. Bond: Certainly, after a very thorough consultation, the answer is yes.

J. Horgan: The 100-odd meetings in 2002 had included, according to this correspondence from one of the most able staff in the ministry.... It says there was academic literature review, position papers, and graduation requirements in other jurisdictions were reviewed. Were there any jurisdictions in particular that were highlights of that review that I could access?

Hon. S. Bond: In fact, we did a complete, across-the-country jurisdictional review. We think it's important to look at what's best in other jurisdictions, so there was an extensive look across the country.

J. Horgan: I guess it's for my own edification. I'm wondering if the minister could point to jurisdictions

or documents that I may review to better understand why we came to the conclusions that we did.

Hon. S. Bond: When we put that information together, we'd be happy to provide it.

[1130]

J. Horgan: I'll go back again to this grade ten issue. Maybe I'm not asking the question correctly. To get a Dogwood Certificate, you have to complete a specific number of courses in each of grades ten, 11 and 12. Is that correct?

Hon. S. Bond: To get a Dogwood Certificate, we have required courses, we have optional courses, and you must complete 54 credits.

J. Horgan: Prior to 2004, the requirements were what?

Hon. S. Bond: We're trying to do an off-the-cuff summary of the 1995 grad requirements, so we'll give you the superficial summary that we've put together here. There were fewer exams during that period of time. In fact, the only exam a student was required to take was English 12. We now test students in English, social studies, science and math. We have provided increased options for students as they choose the courses. There were more required courses at that point in time. There's more flexibility for school districts. They can actually have locally developed courses. So from that perspective, we have more flexibility, the ability to offer courses through locally developed programming and more examinations.

J. Horgan: I guess it's the more examinations that I wanted to explore.

Before I get to that, provided you completed grade ten with a "C" average, you could enter into courses in grades 11 and 12, and you could take your marks from "C"s to "A"s, and for access to post-secondary education, those institutions would look at your grade 12 and grade 11 results. It's my understanding that now those academic institutions would look at your grades 12, 11 and ten results. Is that correct?

Hon. S. Bond: Students have always been making choices about what they do in grade ten. That's nothing new. We don't control what universities actually look at in terms of entrance requirements, and there are programs in advanced education institutions now that consider the whole child. Marks aren't everything. They look at extracurricular responsibilities, volunteer work. They look at a number of things.

I know this, and we know this as a team: we have an incredible public education system. We have well-rounded students that do extremely well. Certainly, we're seeing that by record numbers of students attending institutions across the province.

J. Horgan: Clearly, I'm not asking this correctly, because I have great confidence in everyone across the

floor from me as I pose these questions. So I'll try it another way. Perhaps it will make some more sense.

[1135]

The 2004 changes to the graduation requirements — I'm advised, and certainly, based on my household — have amended the requirements for completion and what could take place beyond completion at a post-secondary institution. For those students that were in grade 11 in 2004, they finish grade 11, they finish grade 12, and they carry on. For those students who were in grade ten in 2004, the system was changed.

I'm trying to get at the nub of what those changes were, why they were made and what resources are being put into place so that parents like me who have one foot in each pool can better understand what the requirements are. Does that help them at all, hon. Chair?

Hon. S. Bond: Let's try this again. The graduation program changes included grade ten and 11 exams, which count for 20 percent of a student's final mark. Students must take five exams to graduate. When I mentioned the changes earlier, I suggested the only exam that was required was English 12.

Additionally, there is a graduation portfolio, either paper-based or electronic, that is now required. We know now, after extensive discussion, that students collect evidence of their accomplishments and showcase their achievements in a variety of areas.

We have also seen the change in that school boards now have more flexibility, and this is an important thing. I remember as a school board chair, we wanted to offer locally developed courses for graduation programs. They are now allowed to do that. We have expanded that opportunity so that they can now meet the needs and interests of students in their communities as long as they're authorized by school boards.

Students also have more choice of elective courses. We've given the students the chance to choose some other ones as well.

J. Horgan: I guess I will just focus on the exams for a moment, if I could. The 1995 graduation requirements provided for one exam: English 12. The 2004 graduation requirements now require five examinations: social studies 11, English 11, history 12 and a fourth. Perhaps the minister could just tell me what the four new exams are.

Hon. S. Bond: We'll start with what they are. The examinations are taken in English 10, math 10, science 10, social studies 11 and English 12.

J. Horgan: So the math examinations coupled with the new portfolio requirements put... For those students starting grade ten in 2004, you added three exams and a graduation portfolio. Is that correct?

Hon. S. Bond: In fact, that would be four exams.

J. Horgan: Three of which are taking place in grade ten.... So you have a 15-year-old just fresh out of mid-

dle school, if the configurations are seven to nine as they are in district 62, for example, currently — and one half. But that's another debate. Seven to nine, you come out of middle school. You are dropped down with all the senior high kids in 2004. You have got grade 12s with beards and frightening piercings and so on, and you have got to write three exams and do a portfolio. Is that correct?

Hon. S. Bond: Students have to write three exams in grade ten. The interesting thing is that despite the changes in the system, our students continue to excel. Since the first administration of grade ten and grade 11 exams, students are passing courses and earning credits through the new graduation program requirements. Depending on the subject, final pass rates range from 90 to 98 percent.

J. Horgan: Outstanding news. I'm delighted to hear that. But I would like to go back to the 14-year-old skinny kid showing up at the school with all of the hairy people with piercings. That sounds like stress to me.

[1140]

I talked about stress earlier with the minister, and she discounted it. I don't think she did it in a conscious way. She was just answering the question. Stresses for teenagers are a big problem. I have them in my house. The minister had them in her house, I'm sure, at that time in her life as well. These are big challenges. These are big deals. I'm delighted to hear that in the first year of testing it's going well, but can the minister advise, perhaps, about the challenge of teaching to the exam? Does she believe that these grade ten students are now just being taught rote?

Hon. S. Bond: Absolutely not. Let's be clear. There were exams in grade ten before 2004. In fact, individual course teachers had examinations in their classrooms. The fact of the matter is: we said that we wanted to focus on student achievement and improving academic achievement across this province.

Let's be clear. These are not high-stakes examinations like they are in some other jurisdictions. In fact, 20 percent of a student's mark is as a result of the examination, and 80 percent of their class work continues to be the significant mark that makes the eventual grade. We said that we wanted to make sure that our students had a firm and solid foundation.

One of the ways of measuring that — and I've been very clear about it — is through examinations. This process, despite the concerns that students have — and they're very real to all parents, not simply the member opposite....

We recognize the challenges there are for students, but let's look at the outcomes. Let's look at the results of how resilient and incredible our students are in this province: 90 to 98 percent of them passed these courses.

J. Horgan: These are provincial, provincewide standardized tests, as I understand it. The minister just said that they're no big deal — that we had tests before

and that we'll have tests in the future. These are standardized, government-issued examinations — is that correct?

Hon. S. Bond: They are provincial examinations, and actually, that would be exactly how we describe them. They are no longer individually done in classrooms. In terms of content they are a provincial examination.

The Chair: Member, noting the hour.

J. Horgan: Yes, hon. Chair, just one more question on this theme.

Standardized, provincewide examinations conducted not necessarily in the classroom, perhaps in the gymnasium, with dozens and dozens of other kids who aren't sitting in your class on a regular basis — that sounds like stress to me. It's not just an ordinary examination. Certainly, the students don't feel that way, although they may take some comfort that the minister does.

Hon. S. Bond: I have a lot of faith in the students and the young people of this province. Yes, there are

challenging circumstances. I can remember that at university I still got nervous about taking examinations, but they were part of the process. In fact, when you take the blending that occurs between a student mark and a class mark, more grade ten students actually completed their courses in this past year than they would have under the previous system.

J. Horgan: I remember university examinations like they were yesterday. They haunt me, I would have to say. They're scary experiences for anyone. Regardless, I did very well. That doesn't reduce the amount of discomfort I felt leading up to those exams, sitting through them and then waiting for the result.

My concern, and the concern of other people that has been expressed to me, is that for 15-year-olds to experience that is a bit premature and that, perhaps, waiting until grade 11 or 12 was a better approach.

With that, hon. Chair, noting the time, I ask that we rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 11:44 a.m.

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