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Afternoon Sitting

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THE HONOURABLE BILL BARISOFF, SPEAKER

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(Entered Confederation July 20, 1871)

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

**SECOND SESSION, 38TH PARLIAMENT**

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# CONTENTS

Wednesday, March 29, 2006  
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## Routine Proceedings

	Page
Introductions by Members .....	3425
Statements (Standing Order 25B).....	3426
Dining Out for Life	
L. Mayencourt	
Abebooks	
R. Fleming	
Nechako cold water release facility	
J. Rustad	
Martha Joseph	
S. Fraser	
Hockey in Smithers	
D. MacKay	
Campbell River festivals	
C. Trevena	
Oral Questions.....	3428
Implementation of kith-and-kin program	
C. James	
Hon. S. Hagen	
A. Dix	
J. Brar	
Highway of tears investigation	
J. Brar	
Hon. J. Les	
J. Kwan	
Evaluation of Pharmacare	
D. Cubberley	
Hon. G. Abbott	
Regulation of sour gas wells	
C. Evans	
Hon. R. Neufeld	
G. Gentner	
Air quality monitoring and standards	
S. Simpson	
Hon. B. Penner	
Review of health care services in interior B.C.	
K. Conroy	
Hon. G. Abbott	
Committee of the Whole House.....	3433
Forests and Range Statutes Amendment Act, 2006 (Bill 9) ( <i>continued</i> )	
B. Simpson	
Hon. R. Coleman	
Report and Third Reading of Bills.....	3438
Forests and Range Statutes Amendment Act, 2006 (Bill 9)	
Committee of the Whole House.....	3438
Small Business and Revenue Statutes Amendment Act, 2006 (Bill 14)	
M. Karagianis	
Hon. R. Thorpe	
Report and Third Reading of Bills.....	3440
Small Business and Revenue Statutes Amendment Act, 2006 (Bill 14)	

Committee of the Whole House.....	3440
Miscellaneous Statutes Amendment Act, 2006 (Bill 15)	
L. Krog	
Hon. C. Hansen	
Hon. B. Penner	
D. MacKay	
Hon. K. Falcon	
N. Simons	
C. Trevena	
M. Karagianis	
Hon. M. Coell	
Report and Third Reading of Bills.....	3450
Miscellaneous Statutes Amendment Act, 2006 (Bill 15)	
Second Reading of Bills.....	3450
Attorney General Statutes Amendment Act, 2006 (Bill 17)	
Hon. W. Oppal	
L. Krog	
Settlement of International Investment Disputes Act (Bill 19)	
Hon. W. Oppal	
L. Krog	
Income Trust Liability Act (Bill 13)	
Hon. C. Taylor	
J. Kwan	
Finance Statutes Amendment Act, 2006 (Bill 18)	
Hon. C. Taylor	
J. Kwan	
Apology Act (Bill 16)	
Hon. W. Oppal	
L. Mayencourt	
J. McIntyre	
R. Hawes	
M. Farnworth	
I. Black	
N. Simons	
M. Polak	

### Proceedings in the Douglas Fir Room

Committee of Supply.....	3467
Estimates: Ministry of Education and Minister Responsible for Early Learning and Literacy ( <i>continued</i> )	
Hon. S. Bond	
J. Horgan	
G. Robertson	
C. Trevena	
S. Fraser	
R. Austin	
D. Chudnovsky	
J. Kwan	
D. Routley	
B. Ralston	
N. Macdonald	

WEDNESDAY, MARCH 29, 2006

The House met at 2:03 p.m.

Prayers.

### Introductions by Members

**Hon. G. Campbell:** I'm pleased to note today that we're joined in the House by John Bishop. John developed his passion for cooking early in his life while he was still residing in Wales. He came to Vancouver, in British Columbia, in 1973 with the grand total of \$200 in his pockets. He is now one of B.C.'s most renowned chefs and restaurateurs, and he is contributing to people across the province, in terms of his expertise.

Last week Minister Abbott joined with John Bishop to launch an ActNow British Columbia program, with regard to healthy eating and healthy diets for people, to commit to the Healthy Living Alliance of British Columbia. Mr. Bishop was there. For those of us who weren't, Minister Abbott is willing to share his culinary expertise now. He does a superb pork and beans, I understand.

Really, it's Mr. Bishop that I want to focus our attention on, because so often the restaurant industry in British Columbia creates jobs for people and creates opportunities for people. He's joined today by Mark von Schellwitz, the vice-president for western Canada of the Canadian Restaurant and Foodservices Association.

What Mr. Bishop has done is that he has taken his business, his community work, and he has provided opportunities and indeed leadership to people across British Columbia with regard to healthy living, with regard to local produce in our food.

I want to say that he has been a true leader for all of us. I hope the House will make him welcome.

[1405]

**D. Chudnovsky:** About four blocks from where I live in beautiful downtown East Vancouver there is a terrific high school, Sir Charles Tupper Secondary School, which is a model of diversity, energy and community. Today in the gallery we have 68 grade 11 students, seven adults and two teachers, Auton Lum and Bonnie Burnell. I hope the House will join me in welcoming these wonderful students from East Vancouver.

**Hon. G. Campbell:** Today I would ask the House to recognize Greg Sidwell, a longtime member of the legislative press gallery. Greg is retiring from CBC this week after decades and decades and decades, as well as decades, of being the on-site cameraman here in Victoria.

He started in 1972 at CBC as a film editor, and there are some that say film wasn't actually invented when Greg started. But we all know Greg. We all know that he has made a contribution in terms of providing the public with information. I think it is important for us to note that nine times out of ten, Greg's film has been in focus, which is an important thing. I hope we will say

thank you to Greg and thank you to his family, and wish him well in his retirement.

**N. Macdonald:** It is my pleasure to introduce Margaret Dickson from Winnipeg, Agnes Macdonald from Gimli and Murdo Macdonald from Gimli. That's my sister, my mother and my father. Please join me in making them welcome.

**Hon. J. van Dongen:** Today in the members' gallery I would like to acknowledge a special visitor from Cuba. Please join me in welcoming Ernesto Antonio Senti, the Ambassador of the Republic of Cuba. This is His Excellency's first trip to British Columbia. We look forward to an ongoing positive relationship between our two jurisdictions. I ask the House to please give him a warm British Columbia welcome.

**R. Hawes:** This morning members of our caucus met with a number of representatives from the food industry, included in which were Mark von Schellwitz and John Bishop, but also Justin Sherwood of the Canadian Council of Grocery Distributors, Dave Pearson of Canada Safeway and Bruce Kent of Westfair Foods. It was pointed out that they are responsible for a payroll in this province approaching \$2 billion, which is a very significant part of our economy. Could the House please make these gentlemen welcome.

**D. Hayer:** It gives me great pleasure to introduce my good friend Roy Foster, manager of B.C. operations for High Science. Roy is a director and past president of the Rotary Club of Surrey and past director of the South Fraser child development centre. He is a big supporter of the Gateway project, the twinning of the Port Mann Bridge and the widening of Highway 1 from Langley to Vancouver. Would the House please make him very welcome.

**M. Farnworth:** In the House today, in the gallery, is a teacher from Riverside Secondary who has been teaching for 11 years and is a constituent of mine. His name is Mr. David Romani. Would the House please make him welcome.

**R. Lee:** In the House today we have a delegation from the Tianjin economic and technological development area of China. The city of Tianjin is one of the four municipalities directly under the central government of China. The other three are Beijing, Shanghai and Chongqing.

With a population of over ten million, and only 120 kilometres away from Beijing, Tianjin is the gateway to Beijing and the Bohai Sea. Currently Tianjin port possesses the biggest container dock in China.

[1410]

TEDA, which is the delegation represented, is one of the first state-class economic and technological development areas in the country. It has attracted over \$30 billion of investment to that area, which is famous for its scientific, microelectronics and chemical indus-

tries. The delegation is interested in establishing a closer trade relationship with British Columbia.

In the gallery we have the delegation leader Zhang Jun, vice-chairman of TEDA, and the members are Xu Wenjin, chief representative of TEDA's U.S. office; Mei Zhihong, vice-director of TEDA economic development bureau; Ding Lei, vice-director of TEDA press corps office; Zhang Ruihua, senior researcher of TEDA policy research office; and Cai Hui, officer of TEDA trade development bureau.

Would the House please join me in giving them the warmest welcome.

**C. Trevena:** I would like the House to make welcome today Cecile McVittie, a teacher and librarian from Campbell River.

**J. Yap:** It's my pleasure to introduce two guests in the gallery who are with us today. From the People's Republic of China, Mr. Yi Zhang, who is the managing partner of Shanghai's King and Wood law firm, one of the first law firms to be formed as a private partnership in People's Republic of China and which today has over 400 lawyers. With Mr. Zhang is Mr. Colin Taylor, QC, a distinguished lawyer, arbitrator and mediator. Would the House please make them welcome.

**J. Kwan:** I rise to introduce two special guests in the gallery today. One is a teacher from East Vancouver, Sandra Holmes. Another one is Mary Leah DeZwart. Mary is a constituent of mine and is a teacher in Surrey. She's also a member of the BCTF. Would the House please welcome both of these special guests.

**K. Krueger:** Thank you, Mr. Speaker, for allowing me the privilege of making the last introduction. I was beginning to feel like a one-man ActNow program, hopping up and down here.

I have the privilege today of introducing two teachers from my constituency. They've travelled to Victoria on the BCTF-sponsored visitations meeting with MLAs. One of them, Sandra Holmes, has been teaching since 1973 — 33 years, 25 of which have been in the Kamloops school district. Sandra currently teaches at Blue River School. This is a single-teacher school with 11 students, two and a half hours north of Kamloops but not yet at the north extremity of my riding. It's a real pleasure to have Sandra Holmes here. I'll be meeting with her a little bit later. She's a member of the executive of the Rural and Small School Teachers Association.

Also, Cecile McVittie, 38 years a resident of Kamloops, currently a part-time teacher-librarian at Summit Elementary in Kamloops, president of the Kamloops-Thompson Teacher-Librarians Association and communications chairperson of the Kamloops-Thompson Teachers Association. Would the House please make them very welcome.

**R. Fleming:** In the gallery today is a young constituent of mine who sat in these chairs just a couple of

months ago as a participant of the B.C. model parliament. Ben Johnson is a political science student at Camosun College. Would the House please make him feel welcome.

### Statements (Standing Order 25B)

#### DINING OUT FOR LIFE

**L. Mayencourt:** I rise today to talk about the 11th annual Dining Out for Life event which took place last Thursday evening. Dining Out for Life is a fundraising event that is organized by Friends for Life, AIDS Vancouver Island and A Loving Spoonful. It brings individuals, businesses and communities together to fight AIDS. This year 193 restaurants from Whistler to White Rock participated. For the first time, in Victoria we had 51 Vancouver Island restaurants that participated.

All of the restaurants donate 25 percent of their food revenue from that night. The event's title sponsor is Wolf Blass Wines, and they are donating partial proceeds from the sale of their wines all through the month of March. All money raised through Dining Out for Life is being donated to Friends for Life, A Loving Spoonful and AIDS Vancouver Island — charities that support local people living with AIDS.

In the case of A Loving Spoonful, they provide free nutritious meals to people living with HIV-AIDS in the Greater Vancouver area. More than 2,500 meals are prepared and delivered every week.

[1415]

Friends for Life supports people living with life-threatening illness and provides help to their families and caregivers. This wellness centre was formed with the belief that no one should face serious illness alone. It provides a range of programs and services free for all in a safe, confidential environment. We know very well all the good work that Miki Hansen does here in Victoria with AIDS Vancouver Island as well.

Dining Out for Life last year raised \$165,000. That's not bad for a little fundraiser like that. Once again this year's event was an astounding success, and while the final total is not in just yet, event organizers are very confident that they will exceed last year's record.

This year I had the pleasure of dining out at Zin, a really wonderful restaurant in Vancouver, to lend my support to the event. An interesting thing about Zin is that they have a Dining Out for Life table all through the year. So anytime you want to go into Zin restaurant, ask for the Dining Out for Life table, and you'll be donating 25 percent of your food bill to the charities.

#### ABEBOOKS

**R. Fleming:** I'd like to take this opportunity to share with the House a significant anniversary of a dynamic, progressive, knowledge-based company that is headquartered in my constituency of Victoria-Hillside. From small local beginnings, abebooks.com



has grown to become the world's largest marketplace for new, used, rare and out-of print books.

Founded in 1996, this company celebrates its tenth anniversary next month, a significant anniversary for any small or medium-sized business — perhaps more significant for a technology company. Abebooks was started by Rick and Vivian Pura and Keith and Cathy Waters as a way to apply emerging technologies to their love of and interest in the book trade. Since day one, theirs was a business born of a philosophy that celebrates books and the people that love them.

The success of this company has been phenomenal. Abebooks.com now processes over three million book searches each day. Their virtual inventory is now over 80 million volumes, encompassing about 13,000 independent booksellers in 53 countries around the world. Abebooks head office now directly employs over 90 people here in our local economy. The company has grown overseas to include operations in Spain, Germany, the United Kingdom and the United States.

This business is a local success story from my constituency, but I'm sure members of the House will think of similar interesting businesses in their communities and join me in congratulating this made-in-B.C. company for its global success and its achievement of a significant milestone.

#### NECHAKO COLD WATER RELEASE FACILITY

**J. Rustad:** I rise to speak about a unique and diverse organization in my riding of Prince George-Omineca. The Nechako Watershed Council is unusual in that it brings together a host of differing viewpoints — environmental, recreation, industrial and government — to sit at the same table. Under the leadership of Chair Henry Klassen, the group has worked for years towards a common goal: improving the health of the Nechako River.

They're currently in the middle of a ten-year work plan to examine all facets leading to the construction of a cold water release facility at the Kenney Dam. This important project is expected to bring about a number of positive effects, including lowering risks to chinook salmon and endangered white sturgeon on the Nechako River through more natural water flow and summer water temperature management. This will, in turn, increase fisheries-related recreation and tourism opportunities for communities in my riding.

The creation of this facility is being undertaken thanks to a partnership between the province and Alcan, who jointly agreed to fund this major undertaking. Bringing a cold water release facility has been a dream for over a decade, but it's this government that has taken real steps towards making that dream a reality.

I'm pleased to announce today for the first time increasing provincial support for the work of the Nechako Watershed Council as they tackle the second half of their plan for the cold water release facility. We've committed to providing \$120,000 this year to the council to conduct sediment and hydrothermal studies that

will give us important information as we move towards construction of a cold water facility.

One of our great goals is to lead the world in sustainable environmental management with the best fisheries management. We're putting that goal into action in the Nechako basin and making real progress towards a long-lasting solution to improve habitat for salmon and sturgeon.

[1420]

#### MARTHA JOSEPH

**S. Fraser:** On Thursday evening I attended an event at the University of Victoria. It was a very moving event. To a packed theatre, Martha Joseph told her story.

Martha is a 68-year-old champion of the Alberni Residential School. Like 87,000 other indigenous children, this Kispixo woman was taken from her Gitksan family and territory to be interned in a residential school. She was taken from her family when she was only five years old. Her sister was three. From the onset she endured physical, psychological and emotional degradation and abuse — one of the darkest stains of our history.

Her story was gut-wrenching, but it needs to be heard. Martha's four suicide attempts failed, unlike her sister's. After driving over a cliff, the prognosis was that Martha would never walk again, yet Martha walks across the land.

Martha's 2005 Victory Walk for Justice spanned Kelowna to Ottawa. On September 16, Residential School Survivors Day, Martha arrived on Parliament Hill, having walked from B.C. to raise awareness for the residential school issue. In Ottawa she was largely ignored. She is still walking, though. Last Friday she led a walk to the rally here at the Legislature, in this building. Martha is not done yet. There is still much to be reconciled.

On April 5 a similar journey begins on the west coast of Vancouver Island. Other former survivors of residential schools begin their journey to Ottawa. This journey will involve towing a 25-foot cedar canoe log from Huu-ay-aht territory near Bamfield. It's the *Spirit of Humis*. That's the Nuu-chah-nulth word for cedar.

The journey across the country will have many stops along the way, arriving in the nation's capital in June. The survivors will be seeking parliamentary time. Aboriginal Healing Foundation funds are inadequate. Should they fail to be recognized in Ottawa, the journey will continue to the United Nations. We all must recognize this issue.

#### HOCKEY IN SMITHERS

**D. MacKay:** How do you unify a community? You give the community an impossible task. The impossible task is for a small community to compete with every other community in Canada for the right to be called Hockeyville when the final decision is made on June 11.

To give you an example of what Smithers has done.... We have hosted the highest-hockey-elevation women's hockey game in North America on Hudson

Bay Mountain. Hockeyville was spelled out with large letters on Hudson Bay Mountain, using biodegradable dye, to ensure that the CBC crew who filmed the women's hockey game knew Smithers was serious.

We are home to Canada's best backyard rink according to *Hockey Night in Canada's* backyard rink contest. The Taylor's rink was chosen from five finalists out of 300 entries.

For a small town of 5,000 people, we have produced seven NHL players. The CBC TV crew commented when they arrived in Smithers a few weeks ago that they have never had such a welcome as that which they encountered as the Bulkley Valley Youth Fiddlers, along with Daniel Lapp, played the theme to *Hockey Night in Canada* at the Smithers Airport.

You can sign our petition on line at [smithershockeyville.com](http://smithershockeyville.com), and if you are a hockey player, you will know the name Paul Henderson. He not only signed the petition; he is sending in a letter of support.

The winning community, to be announced on June 11, will win \$50,000 in arena upgrades from Home Depot. This will go great with the \$1.7 million provided to Smithers by the provincial government for the second sheet of ice; \$10,000 in hockey equipment will be provided. Two NHL teams will play an exhibition game in the hometown that wins, valued at \$400,000.

Tonight, March 29, at 8 p.m. the 50 communities left in the running will be announced on CBC. Watch for Smithers to be one of those, and on June 11 Smithers will be known as Hockeyville in all of Canada.

#### CAMPBELL RIVER FESTIVALS

**C. Trevena:** I don't know how many in the House know Campbell River, but I'm sure you are aware that it is a city with a beautiful location and is very hard-working. It's a city based on its resources of the ocean, forests and mines, and it's increasingly a city of festivals.

Just last weekend the fifth annual Words on the Water Festival was held at the Maritime Heritage Centre, a festival of B.C. coastal writers, their writings and their readers, which this year was sold out within days of tickets going on sale. It's an impressive two-day event, pulling together a host of different authors, poets and readers for readings and workshops. It's perhaps even more impressive because for the five years of its existence, it's been devised and run by volunteers. This year it was graced by the Lieutenant-Governor.

[1425]

Words on the Water is the start of the unofficial Campbell River festival season. It's soon followed by Painters at Painter's, an artists' festival at Painter's Lodge. As the summer progresses, we head to the driftwood carving festival, where wonderful pieces of art are created from the wood that lines the city's beaches. I have a phoenix outside my office.

The season runs through the summer. Added to the calendar now is the Showcase Theatre Festival, which I'm sure the Minister of Children and Family Development enjoys as much as I do, because dancer and choreographer Jeff Hyslop has inspired an amazing

amateur and professional rep company to bring Shakespeare plays and their musical counterparts to the stage in both our communities. This year — the second — we look forward to *Taming of the Shrew* and *Kiss Me Kate*.

The season continues with outdoor events, with a hugely popular — and huge — logger sports and salmon festival, and wraps up in the fall with the Haig-Brown Festival, which I have already told the House about.

Campbell River is a hard-working city with a truly joyous heart.

#### Oral Questions

##### IMPLEMENTATION OF KITH-AND-KIN PROGRAM

**C. James:** The government's original target date for implementation of the kith-and-kin policy was September 3, 2002. We now know from internal ministry documents that the minister of the day and senior ministry officials decided to rush the implementation of the policy, moving ahead on July 8 instead of the original date. Can the Minister of Children and Families please explain why?

**Hon. S. Hagen:** Well, let me give the Leader of the Opposition a bit of a history lesson. It was the NDP who put the section 8 on kith and kin into the legislation in 1996. Civil servants worked for many years after that to get the policy into place and to have it proclaimed. The release date for the guidelines was moved up because the regions actually asked for it. As this letter states, which is dated July 2, the regions fully embrace the kith and kin. The social workers wanted that option. They wanted to use this option, and it was finally available to them. That's why it was released early.

**Mr. Speaker:** The Leader of the Opposition has a supplemental.

**C. James:** I would like to remind the minister that there was not a request to move forward on these guidelines with no resources, no support and no training. No request.

The information received from the ministry through FOI had sections and pages removed. The ministry removed discussions regarding problems with the program and its implementation. They removed discussions regarding budget and resources. They removed discussions regarding communication vulnerabilities.

So my question to the minister is: could he tell the House whether this information, unsevered, has been given to Mr. Ted Hughes for his review?

**Hon. S. Hagen:** Well, I can say this to the Leader of the Opposition. When she talks about severed and unsevered and FOI processes and everything else....

I find it atrocious that my critic, the member for Vancouver-Kingsway, actually called up my deputy minister and tried to influence him into expediting the release of the FOI before it had gone through all of the proper steps. I can tell you that that is totally inappropriate. That is political interference, and that is something that the members of this side of the House would not do.

Interjections.

**Mr. Speaker:** Members.

The Leader of the Opposition has a further supplemental.

**C. James:** Once again we get no response from the minister on critical questions, on important issues — on important issues to the people of British Columbia and, in particular, to children and families at risk.

The information received proves that this government is more interested in budget reductions and their own political issues than it was in protecting children in care. After months of denial from the minister and from the Premier, we heard the Solicitor General come clean and admit that budget cuts and mismanagement of government contributed to the chaos we've seen in Children and Families.

[1430]

To the minister: what possible justification can the minister provide that has anything to do with the protection of children for why they rushed the implementation of this policy with no support and no training?

**Hon. S. Hagen:** Perhaps it's time for the other side of the House to say whether or not they support kith-and-kin agreements, which they have never said. But let me give them an example of why they should support kith and kin.

Over the period from July of 2002 to March 2005, there were 619 children in kith-and-kin agreements. Over that three-year period, 80 percent — 80 percent — of the children who have been in kith-and-kin placements were able to return home to their families and communities.

**A. Dix:** A very simple question to the minister today — very simple. Can the minister explain why the negligent implementation of kith and kin, the moving-up of the implementation date before social workers were trained, the moving-up of the implementation date before systems were ready, the moving-up of the implementation dates before there was even an accurate set of practice guidelines — one that didn't leave out 29 serious criminal offences...? Why has information about the moving-up of that implementation been covered up until it was released today?

**Hon. S. Hagen:** I can say quite accurately that there has been no cover-up. I said when the director's review was released last July that there were mistakes made. We have acknowledged that.

But as far back as 2003, improvements were put in place where we replaced those guidelines with the child protection standards. In addition to the standards, there is also a reference guide that social workers can refer to.

What we're talking about here is.... The critic is back in 2002. We're now in 2006. Do we have a better system? You bet. Are we continuing to make that system better? You bet.

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

**A. Dix:** Well, hon. Speaker, this was the Minister of Children and Family Development and the Premier who sat there last September and blamed the tragedy in Port Alberni on a single social worker. Those are their words; they weren't my words.

I want to say to the Premier: you know, the Minister of Children and Families, back when the minister....

**Mr. Speaker:** Direct your questions through the Chair, please.

**A. Dix:** Through you to the Premier, hon. Speaker: the current Transportation Minister, back when he was training to be a full cabinet minister, gave the Ministry of Children and Family Development an award — the deregulation spirit award — for being the first ministry to meet or exceed its arbitrary target reduction of regulations.

Hon. Speaker, when the government removed the obligation on resource social workers to ensure that homes were safe before putting children at risk in those homes, that was deregulation. I want to ask the Premier through you, hon. Speaker: will the Premier finally admit that those policies of deregulation and budget-cutting when applied to child protection were wrong?

**Hon. S. Hagen:** We care about the children and families in this province. We care.

With regard to the reference of the member opposite, the critic from Vancouver-Kingsway, to say that we impose blame on anybody is ludicrous. When I go around and talk to social workers — and I was in an office yesterday — you know what they say to me? "Can't you get the NDP to stop hammering social workers? What can we do about that?"

[1435]

On Monday this week we proclaimed Social Work Week. We paid tribute to social workers around this province. We had social workers to my office for lunch and introduced them in the House. We stand up for social workers every chance we get. This year the budget has been increased by \$273 million to give those workers the resources they need so that they can do their work, wherever they work in the province.

**J. Brar:** You know, we are not hammering anyone here. We fully support the work being done by all the social workers and civil servants in this province. We are asking questions which are very crucial to British

Columbians, and we are asking for the real answers. That's the problem.

#### HIGHWAY OF TEARS INVESTIGATION

**J. Brar:** Let's change the topic. The actual number of women missing around the highway of tears is not clear. As per the RCMP, the number of those missing women is just nine as of today, but according to Amnesty International and the Native Women's Association of Canada, the actual number of missing women is 33.

My question is to the Minister of Public Safety and Solicitor General. Can the minister tell this House what he believes is the actual number, and will the minister commit today to work with Amnesty International and the Native Women's Association of Canada to find strategies and techniques for solving those cold cases?

**Hon. J. Les:** I would simply say this. Every fatality that has occurred along the Highway 16 corridor and beyond is one too many. I know that the RCMP and other agencies are very diligently investigating all of those events. I have every confidence that if there are solutions, if there are conclusions to those investigations that are available, they will achieve the conclusion of those investigations.

As the member knows, the community is hosting a symposium tomorrow which I think is going to play a useful role, as well, in terms of helping the communities deal with those issues and perhaps achieving some solutions in terms of helping the communities protect themselves going forward. We want to make sure that the resources are available to the police, and indeed they are. As the member knows, there are some 35 members of the RCMP working on these investigations. We take this very seriously, and we will continue to do so.

**Mr. Speaker:** The member for Surrey-Panorama Ridge has a supplemental.

**J. Brar:** I don't dispute what the RCMP is doing. I fully respect — and we are all proud of — the work the RCMP is doing in this province. But my question was not that. The question was about numbers. But I will try the next one.

The RCMP has done an excellent job, and they're doing an excellent job, and they will continue doing that job as well. But this government has not done anything when it comes to the missing women around the highway of tears. There is one strategy that has proven to be effective, and that is offering a reward for information. As recently as last week, Victoria police announced a \$100,000 reward for information on the 16-year-old case of Michael Dunahee. In two short days police received over 80 tips.

Again, my question is to the minister. Will the minister commit today to offer a reward for information leading to successful resolution of those long-pending cold cases?

**Hon. J. Les:** Important decisions around an investigation as important as this one are not made here during question period. I will take direction from the RCMP on matters such as these. In fact, I'm pleased that the member opposite has every confidence in the RCMP. I do as well, and I know that they will continue to conduct the investigation around these incidents with the highest degree of professionalism.

[1440]

**J. Kwan:** Would the Solicitor General, then, just raise the matter with the RCMP and ask them whether or not a reward system would be useful and helpful in trying to resolve the cases around the highway of tears?

**Hon. J. Les:** I don't think this is the appropriate forum to be making those kinds of decisions or, indeed, to be discussing the various considerations that the RCMP might have around this particular investigation. I think it's appropriate to let the RCMP do their work. We know that they are a highly professional, well-respected force, and if there are conclusions available to these investigations, they will achieve those conclusions.

#### EVALUATION OF PHARMACARE

**D. Cubberley:** Last week the Auditor General released a report on B.C.'s Pharmacare program. The report references the Fair Pharmacare program introduced in 2003, stating: "...any potential negative impacts of Fair Pharmacare are being monitored, and...preliminary evaluations indicate that drug use has not decreased in either the senior or non-senior groups since implementation." Interestingly, this is identical language to the 2003-2004 Ministry of Health service plan, which states exactly the same thing. Obviously, the Ministry of Health had seen enough information to draw very firm conclusions about this, but the Auditor General did not see whatever evaluation that was based on.

Will the minister agree to make the evaluation public so that we can know whether B.C. seniors have fair access to the drugs they need?

**Hon. G. Abbott:** I thank the member for raising this important question.

The issue of the access of all seniors, including those seniors of disadvantaged circumstances, is very important. Pharmaceuticals can play an important part in promoting health and maintaining good lifestyles and a good life in this province. As the member probably knows, the most important step that was ever taken by any government in this province was the introduction of Fair Pharmacare just a few years ago by this government.

Notwithstanding the opposition's not understandable reluctance to embrace Fair Pharmacare, what we have actually done with Fair Pharmacare is ensure that every British Columbian, regardless of their economic circumstances, has access to the pharmaceuticals that they need.

**Mr. Speaker:** Member for Saanich South has a supplemental.

**D. Cubberley:** We're squarely committed to fairness on this side of the House, and we're very interested in whether Fair Pharmacare is indeed fair. The concern is a legitimate one, because an independent review of Quebec's experience with income-based user fees showed that higher fees did lead to reduced use of essential drugs and to more negative incidents.

The then Minister of Health Services told the public at the time, "We have already put in place a contract with officials at UBC to make sure that this transition is properly monitored...to make sure that no senior...is negatively impacted in terms of...their ability to pay to get the medications they need" — an independent review.

Fair Pharmacare has been in place for three years now. The transition is long over. Proper monitoring was promised. Will the minister agree now to release the independent review of the program's impact so the public can assess if Fair Pharmacare is in fact fair?

**Hon. G. Abbott:** I can assure the member that Fair Pharmacare is fair. One need only look at the patterns of use under Fair Pharmacare. We have ensured that every British Columbian, regardless of their economic circumstance, has access to the full range of drugs which they may require to either sustain their life or make their life better. That's very important. Fair Pharmacare is the basis of our pharmaceutical policies in this province.

I read the Auditor General's report with interest as well. The Auditor General notes, for example, the leadership of this province with respect to PharmaNet, with respect to Fair Pharmacare, with respect to cost containment, with respect to the therapeutics initiative, which the member recognizes.

[1445]

We know that the Auditor General always tries to push governments to go further and to go faster, but I believe that, in fact, with the most comprehensive formulary in the entire nation, with the broadest coverage in the entire nation, we are leading the nation in Pharmacare.

#### REGULATION OF SOUR GAS WELLS

**C. Evans:** My question is for the Minister of Mines. Last summer when I was visiting the Peace district, everybody there was talking about the need for appropriate setbacks between residential homes and farms and sour gas wells. It was my understanding at the time that British Columbia was participating — I think, paid \$600,000 — in the western Canada study on animal and human health associated with exposure to emissions. It was my understanding that when that study was finished, it would determine appropriate setbacks.

My question for the minister is: is my understanding true, and is this, in fact, the policy of the province?

**Hon. R. Neufeld:** Yes, we are doing a number of things in northeastern British Columbia with regard to setbacks of gas wells, whether they're sweet or sour. We are awaiting a report that has been a number of years in the making, which British Columbia, Alberta and Saskatchewan have all participated in. Once that report is made available, we'll be able to assess from that report.... It will help inform us on how we move forward from there.

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

**C. Evans:** I do — again, for the Minister of Energy. It's my understanding that the regional district in the area has said: "Well, the study has been going on for five years, and perhaps there's a need for interim guidelines following a precautionary principle to protect human health and animal health, while we await the outcome of science."

At first, I was under the impression that the minister wished to put in place interim guidelines awaiting the outcome of the science. But now I'm under the impression that the minister has reversed that position and has stated to the regional district that there will be no interim guidelines until the outcome of the study. Is that, in fact, the minister's position?

**Hon. R. Neufeld:** Well, unlike the past government, who for ten years didn't pay attention to anyone in northeastern British Columbia as to where well sites were sited, this government took the initiative to create some committees in the south Peace, the north Peace and the Northern Rockies district to get some input from those people affected — first nations included — as to the setbacks that should be in place that actually meet everyone's needs. We've moved a long way with the oil and gas operations in northeastern British Columbia, and in a positive way with landowners, unlike the past government who ignored them and just took the money and fled.

**G. Gentner:** This week I've been receiving a lot of phone calls from residents up in the Peace, mainly because they aren't getting the attention of the MLA in that area.

Interjections.

**Mr. Speaker:** Members.

**G. Gentner:** Today I talked to Mike and Mo Kroeher and other residents along the Good Hope Road who have sour gas wells located near their homes. Would the Minister of Energy and Mines guarantee their health and safety in the absence of any interim or new setback standards?

**Hon. R. Neufeld:** Amongst all those phone calls that the member is getting, he should get it right. It is not Good Hope; it's the Old Hope Road — okay? So

when you get those calls, make sure you write that down. Secondly, we have actually had lots of meetings with the people on the Old Fort Road...

Interjections.

**Mr. Speaker:** Members, let's listen to the answer.

**Hon. R. Neufeld:** ...or the Old Hope Road.

We have been working with them. In fact, they will be part of this communication process, the committee process in north Peace that will come to the table with their concerns. We'll hear them and actually act on them in time.

[1450]

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

**G. Gentner:** My question to the minister is: who really is driving the bus regarding the file on sour gas wells impacting the residents of Old Hope Road? I mean, is it the minister himself? The ministry? The Oil and Gas Commission? Or perhaps it's another agency. My question really is: who's taking the lead here?

**Hon. R. Neufeld:** I am, as the minister responsible.

#### AIR QUALITY MONITORING AND STANDARDS

**S. Simpson:** The B.C. Business Council has recently launched a campaign to move responsibility for air quality monitoring from the local level to the provincial jurisdiction. Mr. Finlayson, the executive vice-president of the Business Council, is quoted as saying: "It just doesn't make any sense to have municipalities setting different standards from one to the other. We want to see a coherent provincewide approach to managing air quality, and the Ministry of Environment has got to be the lead in doing that."

Can the Minister of Environment tell us whether he's discussed this matter with the Business Council? And does he support their position?

**Hon. B. Penner:** It's a good day to ask that question, because today British Columbians — and Fraser Valley residents, especially — heard some very good news. SE2 has written to Washington State regulators asking that their existing permits be cancelled. That is remarkable news for the Fraser Valley residents.

That outcome is the result of many years of hard work by members on this side of the House, Fraser Valley residents, local governments and people around the province who supported Fraser Valley residents who were concerned about air quality.

This government is not content to rest on its laurels, however, and we do want to see what we can do in terms of continuing to see improvements in air quality across the province. We recognize that we need to work with local governments, local regional districts,

stakeholders and individuals across the province to continually make progressive improvement in air quality, no matter what part of the province you're talking about.

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

**S. Simpson:** Well, it certainly is question period and not answer period today.

I understand the minister doesn't want to answer that question about devolution or about changing authority, so I'd like to ask another question.

We know that from 1985 to 2005, we've seen a reduction in fine particulate matter of about 23 percent in the Greater Vancouver regional district, and overall air pollution has fallen by about 31 percent. Largely, that's attributed to the air quality regime of the Greater Vancouver regional district and the work they've done.

In response to this, though, the B.C. Business Council has stated that it believes the air quality standards of the GVRD are too stringent, and they are seeking some lessening of those standards. Does the minister agree with the Business Council on that matter?

**Hon. B. Penner:** We certainly recognize that molecules and air particles don't stop at municipal boundaries. That's why it makes sense to make sure that we have planning throughout the province. Frankly, that's one reason we were so steadfastly opposed to the SE2 project just south of our border. It was outside of our jurisdiction, but we knew that the majority of the pollutants would end up in the Fraser Valley.

We're always looking for ways to improve air quality management in the province, and we are seeing successes and reductions in pollution. Frankly, I welcome suggestions from everyone, including the critic, about what we can do across the province to improve our air quality in British Columbia.

#### REVIEW OF HEALTH CARE SERVICES IN INTERIOR B.C.

**K. Conroy:** Yesterday the Minister of Health spoke about his perception of health care in B.C. Today we need to talk about what is really happening in B.C. We have Code Purples in emergency rooms and operating rooms, and community care is struggling to provide services. We have hallway medicine and ambulances being used for ER beds. We have seniors waiting in acute care beds and thousands of citizens signing petitions. We have city councils passing motions asking this minister to put forth an independent review into what's happening to the IHA. We have the city of Kimberley and the city of Castlegar passing motions, in addition to all the other ones you've already heard from.

[1455]

Again, will the minister commit today to an independent review of what is happening with the Interior

Health Authority so that he, too, can really learn what is really happening with the IHA?

**Hon. G. Abbott:** I know the members opposite always find ways to find clouds inside every silver lining. In fact, we have a great health care system in British Columbia. We have a great health care system in Interior Health.

I know the members have been out to see city councils and implore them to pass resolutions asking me to do things. That's great. It's good they're getting out and talking to people. But I can tell you that we've got a great health care system in British Columbia. The Conference Board of Canada, in the most comprehensive report on provincial health care systems that's ever been done in this province — 119 different indicators of how well health systems are doing — said British Columbia is number one, and number one by a considerable margin.

Is the system perfect? No, it's not. We have challenges all across the province. That's why we get up every day. That's why 120,000 people who work in the health care system get up every day and dedicate themselves to continuous improvement in that system.

[End of question period.]

### Orders of the Day

**Hon. M. de Jong:** In Committee A, I call Committee of Supply — for the information of members, continued debate on the Ministry of Education, and in this chamber, continued committee stage debate on Bill 9. For the information of members, that will be, upon completion, followed by Bill 14, committee stage debate on the Small Business and Revenue Statutes Amendment Act, 2006.

[1500]

### Committee of the Whole House

#### FORESTS AND RANGE STATUTES AMENDMENT ACT, 2006 (continued)

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

The committee met at 3:01 p.m.

On section 20.

**B. Simpson:** I note that the minister has different staff than yesterday, and I'd like to give leave for the minister to introduce staff.

**Hon. R. Coleman:** Today I have with me Graham Archdekin, RPF, manager of tenure opportunities, B.C. Timber Sales, Ministry of Forests and Range; Ian Miller, who is legislation policy and forester, also an RPF and a BSF as well — I guess that opens up all

kinds of comments — Ministry of Forests and Range, forest practices branch; and of course, Richard Grieve, who was here yesterday and is, frankly, my genius behind legislation.

**B. Simpson:** I could make a quip about the genius on the other side there, but I'll leave that one alone as well.

Section 20, according to the explanatory notes, is adding a reference to a forestry licence to cut. If I could get a brief explanation of what is a forestry licence to cut.

**Hon. R. Coleman:** That's one of our minor tenures for harvesting timber. It's used for a number of purposes. It's usually for short term and small volume.

**B. Simpson:** Subsection (c) then, the substitution language — does that section then apply the obligation for free-to-grow to all forms of licences that the ministry issues? If not, which licences are excluded from this section?

[1505]

**Hon. R. Coleman:** This section has nothing to do with reforestation. Maybe I'll read.

The forest revitalization plan's suite of legislative changes enables the conversion of a timber sale licence to a forestry licence to cut. The resulting forestry licence to cut has a five-year term and is non-replaceable. However, free-growing obligations of these licensees will continue for ten years or longer after the licences have expired. The amendment to this section will allow the silviculture obligations to be transferred to government in the same way as obligations under other non-replaceable licence or transfer.

**B. Simpson:** I'm sorry. I don't understand the comment. This is an obligation to establish a free-growing stand. My question was: are there other licences that are not included in the descriptor of licences? It says: "...timber licence, forestry licence to cut, non-replaceable forest licence, non-replaceable woodlot licence or non-replaceable timber sale licence." Are there licences that are not included in this list of licences to which this clause does not apply?

**Hon. R. Coleman:** This doesn't establish the obligation. It allows that.... If there is an obligation relative to the licence, either by regulation or law, for a non-replaceable forest licence obligation, it allows the obligation to be able to be transferred to government — obviously, with the financial remuneration that would come with it to us — so we could continue on with the work. It is not offered to other forest licences that are not non-replaceable forest licences.

**B. Simpson:** In this case, then, it is only the non-replaceable that are on that list. Replaceable licences still hold the responsibility for free-to-grow. They retain that obligation and cannot pass that to government. Is my understanding correct?

**Hon. R. Coleman:** That is the correct understanding.

**B. Simpson:** What proportion of the assigned allowable cut, at this juncture, could the ministry then accrue free-to-grow obligations for — either on a proportional basis of volume or just a percentage of allowable cut?

[1510]

**Hon. R. Coleman:** I'm going to do round numbers as best as we have the information here. If the member wants more detail, we'll get it in more detail.

Basically, under the woodlot side, virtually none, because they are basically mostly replaceable forest licences. We think it's somewhere around maybe a maximum of three million cubic metres, or less than 5 percent of the annual allowable cut. That's the number given — sort of like the historical information. It's here at the table with the members of my staff. If the member wants more detail, we'll be happy to suss that number out in more detail.

**B. Simpson:** Thank you for that response.

In terms of projecting forward, the government has established a target of 20 percent to be managed by B.C. Timber Sales. It's my understanding that most of those will be in the form of non-renewable timber licences. Is it possible or conceivable that a larger proportion, then, will come under — as much as potentially 20 percent of the land base — that people exercise this right to give that obligation back to the Crown?

**Hon. R. Coleman:** None of the timber sales licences are in this category. Theirs are timber sales licences. We sell the non-replaceable licence, we collect the stumpage, including the silviculture responsibility, and we do the silviculture.

Sections 20 to 25 inclusive approved.

On section 26.

**B. Simpson:** In the ministry's information bulletin with respect to Bill 9, the statement is made that section 26 allows "extending the deadline for timber reallocation under the Forestry Revitalization Act to March 31, 2008, to allow more time for first nations consultation." What was the nature of the first nations consultation on the Forestry Revitalization Act in the first place?

[1515]

**Hon. R. Coleman:** The Forestry Revitalization Act enables a minister to make orders to delete land from timber licences and tree farm licences in order to implement the reallocation of harvesting rights under the forestry revitalization plan.

Currently all orders must be made by March 31. We're not ready to do them all by March 31 because of the extensive consultation we've already undertaken with first nations. We concentrated on certain areas,

particularly with B.C. Timber Sales, to concentrate enough that we can get some of those out, frankly, into sales so we can move to our market pricing system. Then we concentrated on areas with first nations, so we can identify with them. Now a lot of that work has been completed.

There are a number of ministerial orders that will be completed shortly, and some are coming in the ensuing months, which I have to sign. We want to make sure that we do them within the legislation, so the amendment to this section will allow the minister's orders in relation to area deletions to be made until March 31, 2008. That's so we can have the time to make sure that if there's an area deletion that first nations have an interest in or whatever, we can work through that consultation.

The amendment gives the ministry adequate time to identify areas that are required to support the market pricing system, as I said, to consult with first nations regarding their areas of interest. This will ensure an orderly examination of timber licence and tree farm licence areas to determine appropriate deletions.

I think, frankly, that as we've done this.... It's a pretty complicated process. There's extensive consultation with first nations, and we just want to make sure we have the time to finish the work.

**B. Simpson:** What percentage of the takeback is complete as of today?

[1520]

**Hon. R. Coleman:** All the volume is done by the end of this month as far as the takeback is concerned. In other words, we've taken back the 20-percent volume. This is identifying the area within the tree farm licence and the forest licences to be removed, in actual fact. We've done the takeback notionally.

This is the step that identifies the area we're actually taking. This is basically to have an orderly examination of those licences so that we're able to determine the appropriate deletions so that we don't have somebody with a tree farm licence with a responsibility for land. They know what land isn't theirs anymore, basically, which they don't have any operating power on. That's what this does.

**B. Simpson:** If I understand the minister correctly, then, the negotiation of the appropriate 20 percent per licensee or group of licences with a licensee, as the act stipulates.... If I understand the minister correctly, that takeback portion has been done. Have all of those licence holders then been compensated on that takeback? What I'm hearing is that the takeback has been done, but the areas have not yet been ascertained. So has the compensation also been done in conjunction with the takeback?

**Hon. R. Coleman:** For the most part all the areas are already identified. But before the formal removal of the area, even though we've done the discussion with the companies, we've identified the area. Before formal



removal first nations consultation has to be completed, and some of those are still ongoing. That's why the extension of the date.

On the compensation side, we have done a number of these that we've completed, and a number are still in negotiation. I'm led to believe it's about 50 percent so far on the negotiation on the financial side, but we can get those details.

**B. Simpson:** With respect to the latter point of getting the details, how does the public access these details? If the public wants to go to one window.... This government likes to be transparent and have this one window on line. Where's the webpage I can go to on line and get a report on the status of both the takeback and the compensation?

[1525]

**Hon. R. Coleman:** My understanding is that news releases have gone out each time one of these is done, with the information that can go in. That's in the public domain now. We're not sure how long they would be kept on the ministry website once we've put them out. They don't keep every news release for years on there.

There may be other information relative to a deal that's proprietary to us as the ministry that we wouldn't release, probably for a number of reasons. One of them I could think of is if I'm still negotiating with somebody who wants to negotiate with us for compensation. I don't know that I want them to know what we might have paid somebody else. I mean, they might know global numbers and areas, but they certainly wouldn't know, maybe, all the nuances of the deal, because that would be something we might want to use again in another negotiation.

**B. Simpson:** So at some point will the public know each deal? After all, this is a public resource. The money in the deal is coming from taxpayers' dollars. It's out of their pockets that the companies are being remunerated.

While it's fair for the minister to say that during negotiations you might not put the deal out, but at some point will the public know what the deal was, exactly what areas were taken back and exactly what the nature of the compensation was? How will that public accountability and transparency take place?

**Hon. R. Coleman:** The news release always says how much money is paid and what volume of takeback was taken. It's in the public domain. There's nothing hidden from the public.

All I'm saying is that there may be nuances to negotiations that may not be in a public domain because negotiations are ongoing in other places. But each and every one of these has had a press release when the deal has been completed with XYZ tree farm licence — whatever the case may be. The information has been released to the public, including the volume and where that is. It's in the public domain. Like I said earlier, I don't know how long a press release stays on the gov-

ernment website with regards to everything that goes on, but every single one of these is in the public domain.

**B. Simpson:** Let's go back to the first nations consultation. I'm confused, because the Forestry Revitalization Act is not about the reallocation. It's about the takeback, if I read it correctly.

Let me ask a question to the minister to make sure that I understand the act correctly. Does the act stipulate anything about reallocation?

[1530]

**Hon. R. Coleman:** The news releases on takeback — and all news releases — are archived on our website back to 1994. That's where you would go for the information. It's in the public domain.

The act is a mechanism for taking the timber back, not for its reallocation. That is, once it's taken back, it comes back to us, and under the Forest Act, we can sell it, or we can reallocate it. We can take a percentage to B.C. Timber Sales, a percentage to first nations, a percentage to small tenure. That's where we have the mechanism that allows us to deal with the timber once we have it back. The act allows us to take it back.

**B. Simpson:** Hence, my confusion. The information bulletin from the ministry states: "...extending the deadline for timber reallocation under the Forestry Revitalization Act to March 31, 2008, to allow more time for first nations consultation." The minister has stated that for the most part all of the areas for the takeback have already been identified. The minister stated that what's happening is that there are some deals which still need to close and that first nations need to be consulted on the reallocation.

We've just found out that the reallocation has nothing to do with the Forestry Revitalization Act. Is the reason that we're extending the act simply to close the existing deals and nothing to do with first nations consultation, because that part of reallocation is not covered under the act?

**Hon. R. Coleman:** The volume by licensees is done. The areas to support the volume taken back has basically, for the most part, been done but is still subject to consultation, as there may be some fine-tuning with regards to that.

The amendment to this section — and I'll say it again — will allow the ministerial orders in relation to the areas to be made until March 31, 2008, because we can't get them all done by the end of the month. We need some time, because as the member well knows, sometimes there may be issues in and around consultations with first nations that will take a little more time than some people think it will.

We feel that the amendment gives the ministry the adequate time to identify the areas that are required to support the market pricing system and to consult with first nations regarding their areas of interest. This is going to ensure an orderly examination of timber li-

cence and tree farm licence areas to determine the appropriate deletions.

Although most of the work is done, there are still things around the edges that need to be completed and can't be completed so that I can sign a ministerial order before the end of March 2006. The amendment is to extend the deadline.

**B. Simpson:** I think I heard what I suspected in his comments. Let's take a different question.

[1535]

Are there budgetary implications for extending this? The money was originally allocated when the bill was created, and then I believe there was an addition to it. Given that — if I understand correctly — about 50 per cent the deal has been closed, does the minister believe that there are sufficient funds? Will there be additional funds reallocated over this next three-year period?

**Hon. R. Coleman:** This has neither a positive nor negative impact on the ministry's fiscal plan.

Sections 26 to 28 inclusive approved.

On section 29.

**B. Simpson:** The addition of the ranching sector under the Ministry of Forests Act, I'm sure, will be a welcome addition to the ranching community.

That addition, however, also has implications for the Ministry of Agriculture and Lands. With this ministry taking on the role of encouraging a vigorous, efficient and more competitive ranching sector.... If I'm a rancher, what does that mean for me, relative to my relationship with Agriculture and Lands? Is there a memorandum of understanding? How do those two ministries relate with respect to achieving this goal?

**Hon. R. Coleman:** Before I go on, I want to introduce my latest staff member that's joined us, Dr. Judi Beck. Judi has a PhD and an RPF. She's a manager in wildfire management for the ministry.

The ranching sector statement is deliberate in this section for a number of reasons. One, it was after extensive consultation with the industry, the Cattlemen's Association. They felt that was the proper descriptor, because the other animals that are involved in the land base — it may be cows or steers or bulls — could be in the dairy sector or whatever the case may be.

So it is deliberate. Obviously, we changed the name of the ministry to Ministry of Forests and Range to make sure people understood that in consultation with industries on the land base that forestry has a relationship with, because we also have the leases with regards to ranching, we would want to encourage both industries. So the ranching sector words are, in actual fact, the words that were agreed to by the parties that were consulted on the legislation.

**B. Simpson:** Sometimes assigning things to more than one ministry means you get a bit of a fractured

approach. Under the Ministry of Agriculture and Lands, for example, we can grow the ranching areas by getting a lease of Crown land, doing a conversion and doing a purchase and growing range capabilities that way, through a direct addition to either previous range land or private land.

The Minister of Agriculture and Lands has also been stating over the last few months that we need to double the ranching community and the ranching sector in the province, possibly through beetle wood that's converted to grasslands or whatever the case may be.

[1540]

So my question to the minister is: what is the comfort that the ranching community can have that there will be a coordinated effort between two significant and major ministries that both have obligations and stated intent of growing this sector of our economy?

**Hon. R. Coleman:** The Minister of Agriculture has to deal with a number of agencies with regards to stuff on the land base. He doesn't just have to deal with the Ministry of Forests and Range. He also has to have an integrated relationship with the Ministry of Health because of issues in and around things like slaughterhouses and stainless steel versus wood-type construction in countertops or whatever, if countertops have to be made of that sort of thing. How animals are handled with regards to their processing — that's Health.

He also has to have a relationship on a number of environmental issues with the Ministry of Environment with regards to aspects on the land base, and other agencies and groups. We're no different in that. This seems to be working very well. We have an ADM, David Borth, who's stationed in Kamloops as a member of our ministry as the person responsible for the range and our relationship with the cattlemen and to have an integrated relationship with the Ministry of Agriculture.

It seems to be working very well. By all accounts from the industry people I've spoken to and from the other people within ministries, they think this has been a worthwhile endeavour and will continue to be. But there will always have to be integration between ministries in government. It doesn't make any difference whether it's this one on range or this one on forestry where I have to deal with the Ministry of Transportation with regards to load levels and issues with regards to logging trucks, or with WorkSafe B.C. with regards to forest safety. All the ministries have to have an integrated approach in government. Otherwise we'll never be successful.

We endeavour to not have silos between our ministries. We do try and work very closely together, and by all accounts so far, this is working pretty well.

**B. Simpson:** Having said all of that, the minister is also aware of the struggles that we're having with the articulation between the Ministry of Forests and Range and the Ministry of Transportation around logging roads, road rehabilitation, whether the bans are on or off, and the communications around that.

Again, my question is quite explicit. Will we have an integrated strategy for the ranching community — much like some of the standing committees or standing management teams that the ministry has for various other functions — to give the ranching sector some surety that there is, in fact, that coordinated effort and the possibility of silos does not exist?

Having taken on this responsibility as an explicit objective, will there also be some sort of ranching sector strategy that's cross-functional and cross-ministerial?

**Hon. R. Coleman:** That's Mr. Borth's job. My expectation is that he would accomplish it. The last I met with him, he was working with integrated relationships across the ministries and with the B.C. Cattle-men's Association — who would probably be the main client group in this — to make sure that issues such as integrated approaches to leases for range leases could be expedited in a manner that would better serve our client base.

I'm quite confident in the individual that we have in the position, having that integrated relationship. I'm quite confident that the industry is very comfortable with him. They have told me that he was a very good selection when we put him into the job and that he's doing a very good job.

Sections 29 and 30 approved.

On section 31.

**B. Simpson:** For clarification, under the previous Forest Practices Code, were licensees responsible for fires they created — full cost of rehabilitation and the fire management?

[1545]

**Hon. R. Coleman:** Somebody causes a fire, and they're responsible for all costs.

Having said that, the reason it took a little longer to answer was because I said: well, the next question might be how you recover the costs if they don't have any money. We seek legal remedies on that and try to recover any costs to us, the Crown, from anybody that causes a fire. If they haven't paid or haven't met their legal responsibilities, we will pursue them.

**B. Simpson:** I asked one question and got an answer to two. The answer to the first question so that I'm crystal-clear.... Under the Forest Practices Code, where licensees are responsible for fire caused by their industrial activity, they bear those costs. Was it just part of doing business — that if you created a fire, it costs you?

**Hon. R. Coleman:** Let's see if we can get this. If they cause a fire, the structure says they pay. That's basically been the structure, and that continues. Maybe I should just read the section explanation into the record, if it helps the member:

The Wildfire Act currently requires persons who carry out an industrial activity to conduct fire hazard assessments and to abate any fire hazard which the person is aware of. As currently written, the provision requires persons carrying out an industrial activity or prescribed activity to abate any fire hazard they discover regardless of whether they caused it. The amendment to section 7 clarifies that the fire abatement responsibilities of a person carrying out these activities apply only to hazards that are a result of the activity.

**B. Simpson:** That explanation was helpful.

In section 31(2) there's a section that has been removed. That section is "...aware or ought reasonably to be aware." It's replaced with the word "exists." In the minister's opinion, is "exists" stronger language, or are we allowing someone to simply use the argument that they were not aware? It seems to me that the language seems to be loosening. It feels like a bit of a due diligence defence mechanism here. So why was "aware or ought reasonably to be aware" removed? And what are the implications of removing that language?

[1550]

**Hon. R. Coleman:** Two things happened in this section. Actually, when we redrafted this act for — the reasons we did this section, which I'll explain in a second — the Forest Practices Code, legislation used to say "exist." When we did the Wildfire Act, the other language was put in. So when we came along to deal with the section in the Wildfire Act, leg. counsel said that because that has never had a problem, a challenge or a difficulty, we should use "exist" in this section because it's been the standard that has been in place with regards to it.

What this section really does is clarify the fire abatement responsibilities, because the language previously in the Wildfire Act could be interpreted that you had to mitigate any fire hazard that existed if you had it on your land. The challenge with that, as the member knows, is that in the Cariboo-Chilcotin and up into the north there's a rather significant fire hazard that's starting to create itself in dying trees.

Theoretically, somebody could have been held accountable for a forest fire in dead pine on the land because they knew a fire hazard existed, even though they didn't create the fire hazard. The clarity is that it's a hazard that's been created as a result of the industrial or prescribed activity, not by a natural activity.

**B. Simpson:** The minister's comments about the operator, whoever is doing the industrial activity, ought to be aware.... How would that then apply to the waste allowances, when we do have operators in mountain pine beetle operating areas that many would argue are fuel-loading in how they're going about, particularly, cut-to-length?

Under "aware or ought reasonably to be aware...." It seems to me that covers the fact that if I have given a

prescription in a salvage area that leaves a lot of fuel on the ground, I ought reasonably to be aware that I have created a fuel hazard and potentially, then, a fire occurs — as opposed to just going back to the old language of having it exist.... So wouldn't leaving "ought reasonably to be aware" be better, given some of the salvage operations we've got and the fuel-loading that's going on in the land base?

**Hon. R. Coleman:** No. That is not the advice I've been given.

Section 31 approved.

On section 32.

**B. Simpson:** Just so I'm clear, the minister's previous answers helped me to understand the nature of the compensation here. In this case, they've added compensation for rehabilitation in section 1(a)(ii) and for equipment loss and equipment damage.

[1555]

If I understand this correctly, this isn't a case where the individual or the individuals doing the work were not implicated in the actual cause of the fire. They're voluntarily doing this, or they're doing it under the direction of the ministry. Therefore, if they carry out either of these activities or in the course of fighting a fire lose some equipment, we are just clarifying the range of compensation for that voluntary activity. If I could just get a clarification so that I understand it correctly.

**Hon. R. Coleman:** That's correct.

Sections 32 to 36 inclusive approved.

Schedules A, B and C approved.

Title approved.

**Hon. R. Coleman:** I move that the committee rise and report the bill complete without amendments.

Motion approved.

The committee rose at 3:57 p.m.

The House resumed; Mr. Speaker in the chair.

### Report and Third Reading of Bills

#### FORESTS AND RANGE STATUTES AMENDMENT ACT, 2006

Bill 9, Forests and Range Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

**Hon. C. Richmond:** I call committee on Bill 14.

### Committee of the Whole House

#### SMALL BUSINESS AND REVENUE STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 14; S. Hammell in the chair.

The committee met at 3:59 p.m.

On section 1.

**M. Karagianis:** I do have just one small question for the minister. I note in section 10(3)(b) that there is a comment, "improvements, other than a manufactured home, that are assessable under this Act," and then it goes on to clarify. Can the minister perhaps explain to me why manufactured homes have been excluded from this?

[1600]

**Hon. R. Thorpe:** Before I answer the member's question, let me just acknowledge the presence of my staff. Kinsburgh Healey and Jeffrey Krasnick are with me today, and I appreciate their help.

There already is a provision in the Assessment Act to cover damage to manufactured homes. That's why that is not specified here.

**M. Karagianis:** I know that during estimates the minister and I had some discussions about float homes as well. I know that within much of the legislation in Small Business, float homes are categorized with manufactured homes. In fact, how is this applicable to float homes?

**Hon. R. Thorpe:** The Assessment Act, as I understand it, pertains to land and buildings on that land. Therefore, we need the component of those two pieces. It's my understanding that if a float home somehow had land in some form attached to it, then it would be covered by B.C. Assessment. Otherwise, it's my understanding that it would not be.

**M. Karagianis:** I do know from experience that float homes do actually pay property tax based on an assessment. I believe much of that is levied on their water lot as being a recognized component or entity.

In this case this is really about extending a definition of the assessment around damage and destruction for a specific date beyond the 31st of October to January 1. I'd be curious as to why that would not cover float homes as well. Perhaps the minister could just elaborate a little bit more on that.

**Hon. R. Thorpe:** I think it's important for us to understand that these amendments apply to the Assessment Act. Therefore, if a float home or another form of home — whatever's on the B.C. Assessment roll.... This deals with the B.C. Assessment roll.

Up until this legislation is passed, should it be passed, when a home gets damaged on November 1 and a value has been established based on the July value, there is no way to get it off the rolls. It had to stay on the rolls. That doesn't make any sense to me, and I understand, in the discussions with the member, that it doesn't make a lot of sense to her either.

This is dealing with the things that are on the B.C. Assessment roll. They will be covered.

Sections 1 to 10 inclusive approved.

On section 11.

[1605]

**M. Karagianis:** This is more a point of information than anything. Why is the extended time period required? Why is that necessary now?

**Hon. R. Thorpe:** This provision is put in and is initiated at the discretion of the taxpayer. It provides that taxpayer an extra period of time, should they want it. They initiate it. What we have found is that when we have the firm deadline, for whatever reason, from time to time, taxpayers have some difficulty, some challenges, providing all of their documentation by the deadline.

Currently, as it happens, if that deadline comes and we haven't received information from the taxpayer, then we must make an assessment. Then we have to roll through the whole assessment and appeal process. We believe that providing this discretionary waiver opportunity for the taxpayer — based on the experience of the ministry and the folks that work with the property transfer tax — will actually provide a service and benefit to taxpayers who require some more time.

**M. Karagianis:** I guess one more aspect of this is whether or not the new extended time period is going to be commonly known or how that information is going to be distributed to the taxpayer to let them know that they have that up-to-six-month grace period. How is that information being reported out or promoted to the taxpayers?

**Hon. R. Thorpe:** I thank the member. That's a very, very good question. What we do as the course of our business is.... The ministry has embarked upon an on-going, continuous improvement in customer service. Through the process of property transfer tax folks dealing with taxpayers, this would come up in the discussions. They would advise them of their options.

The other thing that we will do, because we do have brochures on property transfer tax and those kinds of things, is make sure that we put that on our new brochures if and when this should become law.

**M. Karagianis:** Knowing, in fact, that the amount of value of the property transfer tax is being reported as being significant, is there any loss of interest or revenue-related...? I'm thinking interest or loss of

revenue on this six-month grace period, with the ministry not actually collecting the transfer tax for that period of time — up to six months.

**Hon. R. Thorpe:** That actually has not been a consideration for bringing forward this amendment. This provides improved customer service to the taxpayers, should they choose to seek the use of this waiver. But what it also does is to save the taxpayer the hardship of having to go through an appeal process and the time that that takes, and quite frankly, it also saves the ministry time and having to deal with appeals. I'd like to say that I think this is a win-win, but we have not even considered, in bringing forward this amendment, possible loss of interest or any of those things. We've brought this forward as a customer service initiative.

**M. Karagianis:** Is it fair to ask, then, if this is going to be a revenue-neutral function? Or at some time would there be a cost to the taxpayer for stretching their time for the full six months?

[1610]

Would there be a possibility of then charging a small interest fee for that, much as your income tax? If you file late, there is often a fee. Is that a possibility in the future? Or is that in any way going to be embedded in language to protect the taxpayer from that?

**Hon. R. Thorpe:** No, the waiver freezes everything. There is not going to be additional interest or any of that stuff.

Sections 11 and 12 approved.

On section 13.

**M. Karagianis:** On section 13. I have actually mentioned this to the minister before, but I would appreciate a dialogue on this. I think that this is an excellent use of electronic communication, but given my queries to both staff and the minister about safeguards and confirmation processes, has there been any additional thought around how safeguards and confirmation process might be applied to electronic communication?

**Hon. R. Thorpe:** To the member: I want to thank her for her questions and her interest in this area because it's a very, very important area.

Currently, we do not use e-mails. That has been, as I understand it from discussions and staff discussions with the member, her concern and a very legitimate concern. We do use faxes now. We do have a protocol in place to make sure that faxes are going to the right folks. But should this bill be passed, with respect to e-mail, it's very, very important that we put in place protocols to ensure the protection of personal and private information. We will do that.

I want to assure this House and the member that should this bill be proclaimed and when we're at that stage — as I said, we're not using e-mails now — I

would be pleased to advise the member of the protocols that will be in place to protect the personal and private information of British Columbians with respect to the use of e-mails.

**M. Karagianis:** I think that's an excellent response from the minister on this.

My last question, really, is around the legal challenges to this type of communication. I know that at one point faxed material was not actually considered to be evidentiary. Certainly, there has been much debate around e-mail as being a legal contract between the sender and receiver. Has your staff managed to look at any legal precedents around challenges to this from either party — sending or receiving this information — and, perhaps, claims that information was not received in a timely manner or that information, in fact, doesn't stand up to a legal challenge of whether the e-mail is considered a legally binding contract?

**Hon. R. Thorpe:** First of all, the Electronics Document Act does say that faxes and e-mails are acceptable, and as a matter of interest, this and other statutes have been in place since the year 2000.

Sections 13 to 15 inclusive approved.

Title approved.

**Hon. R. Thorpe:** I move that the committee rise and report the bill complete without amendments.

Motion approved.

The committee rose at 4:15 p.m.

The House resumed; Mr. Speaker in the chair.

### Report and Third Reading of Bills

#### SMALL BUSINESS AND REVENUE STATUTES AMENDMENT ACT, 2006

Bill 14, Small Business and Revenue Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

**Hon. C. Richmond:** I call committee on Bill 15.

#### Committee of the Whole House

#### MISCELLANEOUS STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 15; S. Hammell in the chair.

The committee met at 4:19 p.m.

On section 1.

**L. Krog:** My question to the minister is: what's the purpose of section 1, the addition of the corporate governance plan?

**Hon. C. Hansen:** The purpose of section 1 is to provide amendments to the Employee Investment Act with regard to labour-sponsored funds, to really provide more clarity to the fund managers with regard to their governance structures. This is an issue that has surfaced nationally. As I think various jurisdictions have been reviewing their legislations — they've been in place — the determination was made that we should actually provide for more specificity with regard to the kind of governance that would be expected of these labour-sponsored funds.

[1620]

**L. Krog:** With respect to these corporate governance plans and policies and practices, who is going to review those? Will it be the administrator under the act, or will it be some other part of government? Will they, in fact, be reviewed by government?

**Hon. C. Hansen:** Yes, it will be reviewed by the administrator.

**L. Krog:** Then I take it that up until now the plans have not either included, on a regular basis, the provision of corporate governance plans or... What has been the practice of the administrator to date with respect to corporate governance plans? Have they been included? Have they been reviewed? Have they not been reviewed? Have they been rejected because of an absence?

**Hon. C. Hansen:** It has not been a part of the discussion or the relationship between the administrator and the plans up until now.

Section 1 approved.

On section 2.

**L. Krog:** This appears to me to be a significant change to the legislation. It is now excluding liability of the government; an employee, agent, or minister of the government; the administrator — who, quite frankly, is not terribly well-defined in the legislation; a person designated or appointed under this act by the administrator; or a person acting on behalf of or under the administrator. In other words, it appears to me to be a complete absolution given to government, essentially, as the administrator is appointed by the Minister of Finance — as I understand it. Is that, in fact, the purpose of the section?

**Hon. C. Hansen:** What this section does is not to eliminate that liability, as the member suggested, but rather to define exactly the extent of the liability that would be held by government officials acting in their capacities.

**L. Krog:** With respect, my reading of it is that it says — in section sub (2) of 41.1, as proposed — that

"no legal proceeding for damages lies or may be commenced or maintained against a protected person because of anything done or omitted (a) in the performance or intended performance of any duty under this Act, or (b) in the exercise or intended exercise of any power under this Act."

My question to the minister would be.... That seems to me to cover all of the activities that might be undertaken by the administrator or the government or an employee, etc., as set out in subsection (1). I'm just wondering; if it doesn't absolve all those persons of liability, what activities, short of those being criminal, are we talking about?

**Hon. C. Hansen:** I think for the benefit of the member I'll read this paragraph, which will perhaps give a bit of an expanded explanation of the section. It says: "The definition of 'protected person' provides liability protection for government; employees, including an agent or minister of the government; the administrator, or other persons appointed by the administrator or acting on his or her behalf." I think this next is the most important sentence: "The liability protection is limited to acts or omissions of powers or duties under the act, performed or exercised in good faith."

**L. Krog:** I wonder if the minister can clarify what he's reading from.

**Hon. C. Hansen:** These are the notes that have been prepared for my purposes, for this committee stage which we in the middle of.

**L. Krog:** Without wishing to be difficult, I suppose I'm really asking: is that the legal opinion given, or is that simply a policy analyst's comments on the provisions?

[1625]

**Hon. C. Hansen:** The notes that I quoted were prepared by legislative counsel.

**L. Krog:** These schemes, WOF included, are very well-known, seen by the public, I would generally suspect, as essentially government-sponsored schemes on which they perhaps have more reliance than the average offering on the Vancouver Stock Exchange.

What this section appears to me to do is to remove, or certainly weaken, notwithstanding the minister's comments, the possibility of a successful suit being brought against government if they've not done their job appropriately — or the administrator or agents of government. So what it appears to be doing is that the public is essentially losing a protection that it might formerly have enjoyed by taking a legal proceeding. I wonder if the minister can advise me whether I'm completely off base in that suggestion.

**Hon. C. Hansen:** I think to emphasize that.... There are liabilities that would still exist if any of these officials were to be acting in bad faith. Basically, as long as these officials are doing their jobs and doing it prop-

erly, they would be provided with that protection. But I think what's important to recognize is that we are talking about investments that have elements of risk to them. It would not be appropriate for us to hold government officials or the administrator liable for areas that are really beyond their scope of control or the powers or duties that they hold and the responsibilities that they have in their oversight responsibilities.

**L. Krog:** My question to the minister is: have there been any successful suits or claims brought prior to the introduction of this bill against the administrator or officials of government or any of the persons who are now listed as being protected persons under the proposed section?

**Hon. C. Hansen:** No, there have not been any cases brought forward of the nature that the member described.

**L. Krog:** My question to the minister, then, is: why has the government brought this particular section — which appears to, in my respectful opinion, lessen or more narrowly define potential liability of the Crown and its agents — forward at this time if we have no pending suits and no successful suits?

**Hon. C. Hansen:** These investments, by their nature, as I mentioned before, do have their elements of risk. There is a case in another province where there has been a class action lawsuit brought against the fund, which potentially had implications for government officials who may have had some degree of oversight responsibility. So we want to make sure that we are proactive in British Columbia and that we ensure that the appropriate protections are in place.

**L. Krog:** I appreciate, much like the words of Milton, that thousands at the minister's call "post o'er land and ocean without rest," so to speak. He has obviously accessed information that might not be available to the lowly opposition over here.

[1630]

I'm curious to know: was the suit that the minister refers to successful against the government or agents of the Crown in that circumstance?

[S. Hawkins in the chair.]

**Hon. C. Hansen:** It's not based on any privileged information that I have access to. The case is very public. It is currently before the courts. Therefore, there has not been a determination made. Any of the knowledge that I have shared with the member is public information.

**L. Krog:** I'm wondering then, in the circumstances, if the government is being proactive in this area. Is the government not concerned that by the very passage of this section it will in fact discourage parties from investing in these funds, which have contributed to the economic prosperity of the province?

**Hon. C. Hansen:** I think it's important that these funds, when they are communicating with potential investors, provide their prospectuses and that they do their due diligence. I think in that course an investor would learn that there are elements of risk to these types of investments. But certainly there is nothing that's intended to cause investors to have any increased doubt. This is purely a measure that we're taking because we believe that it's appropriate to provide this protection and to clarify where the liability protection rests. But there is nothing in this that is intended to in any way affect the reputation of any of the labour-sponsored funds that exist.

Section 2 approved.

On section 3.

**L. Krog:** This is one of those lovely technical definitions: striking out and substituting the definition of conservation officer. What's the purpose of this particular change?

**Hon. B. Penner:** The purpose of this section.... Basically, it's a consequential amendment to make it consistent to the amendment which is coming up in section 5.

**L. Krog:** Is that essentially now to take into account the fact that it appears that the chief conservation officer, under the proposed section 5, which we're not dealing with yet but which does allow the chief conservation officer to designate other persons other than has been the practice in the past...?

**Hon. B. Penner:** As I understand the question, the member is asking whether this somehow allows for a different type of conservation officer. My answer to that is no.

Sections 3 and 4 approved.

On section 5.

**L. Krog:** This section is supposedly designed to clarify the chief conservation officer's authority to designate. I'm just wondering: does it in fact represent an expansion of the authority that presently exists?

**Hon. B. Penner:** The powers remain the same, but it does expand the category of people that the chief conservation officer may delegate those powers to.

[1635]

**L. Krog:** Does that expansion include people who, on the face of it, might not in fact have the qualifications or have met the criteria for the previous persons who would have been entitled to be appointed as conservation officers?

I'm wondering if that would include, for instance — and this is a bit of a ludicrous suggestion — anyone employed in the ministry, arguably. The wording of

the section, as I see it, is fairly broad. It simply says "designated persons employed in the ministry." It doesn't seem to specify whether they require any particular skills in order to do this job.

**Hon. B. Penner:** Currently the restriction on who can receive these powers is listed in section 106(3)(b). If the member reads that, it states the persons must be a class of persons employed in the ministry as auxiliary conservation officers at the very least. In the amended section it will be subsection 106(3)(iv), if you can follow that along better than I can.

**L. Krog:** My friend has suggested that perhaps I need a map to follow that suggestion, but I think I've got the minister's point in this.

With respect to this, this section appears to simply broaden the persons who may be employed from within the ministry as conservation officers. That appears to be the general intent and opens the door, I would argue, to the establishment of civilians as special conservation officers. I'm just wondering: is this simply going to mean that we're going to elevate existing staff to temporary positions, not necessarily a long-term solution to the problem of a lack of conservation officers?

**Hon. B. Penner:** I disagree with the characterization of the member, and I want it to be clear on the record that that is not our interpretation or our intention in terms of this legislation. In short, it's to allow the chief conservation officer to delegate powers to regional managers within the conservation officer service.

[1640]

If the member goes back to the actual legislation, right in subsection (3) it says: "Subject to the direction of the minister...." So there's a caveat there. Subsection (a) says that this pertains to people that the chief conservation officer has general supervision over.

Then sub (b)(i) — it has to be somebody who the chief conservation officer considers suitable. Those are all indicators that these authorities would only be delegated to properly trained conservation officers within the province of British Columbia.

Now, British Columbia has recently announced that we will be hiring 18 seasonal conservation officers around the province. These are people that will be fully trained as conservation officers, but it is not our intention to delegate these kinds of authorities to those conservation officers despite their training.

Rather, the intention here is to allow the chief conservation officer to delegate to regional managers or managers some extra authority so that functions that are better carried out at the regional level can be carried out at the regional level without getting bogged down waiting for approval from head office in Victoria. As a matter of policy, delegations of authority under this section would always be to a manager in the conservation officer service.

**L. Krog:** Well, that raises the obvious question. If that is, in fact, the intention of the section, why does the



section simply not use the term "regional manager" or some other such term that would qualify to designate regional managers? The language is very broad, I would suggest to the hon. minister, and I would appreciate a response to that.

**Hon. B. Penner:** We had one of those very conversations with legislative counsel who helped draft this legislation. Those are always interesting conversations to have. When you come up with your bright ideas, they're often the ones who tell you why your bright ideas aren't so bright. In this case what they told us is that the term regional manager is already a defined term elsewhere in the legislation and that to replicate it here may have consequences that were not intended. We want to confine the delegation of authorities that we're discussing to people within the conservation officer service.

**L. Krog:** I think I heard the minister slight the lawyers' advice in this. I'm just grossly offended by that suggestion, blaming it on the able profession of the province. I see the Attorney General smiling as well.

In Alberta in 2004 there were some 220 conservation officers compared to 115 in British Columbia. Alberta has a third less territory and roughly a million fewer people than British Columbia. Is this section, in fact, designed to lead to a hoped-for expansion of the numbers of conservation officers in order to better protect B.C.'s natural beauty and wildlife?

**Hon. B. Penner:** The purpose for the section, just to repeat, is to clarify and give greater ability for the chief conservation officer to delegate certain authorities to managers within the conservation officer service throughout the province at the regional level. That's the purpose for this. We believe that it will allow those functions to be better carried out and will streamline delivery of the enforcement program so that we can be more effective in our enforcement priorities.

Section 5 approved.

On section 6.

**L. Krog:** This section seems to me to perhaps raise some Charter issues with respect to the search-and-seizure provisions. The section refers to being able to enter "a part of premises occupied solely as a private residence" and "seize and remove anything that the member has reasonable or probable grounds for believing may provide evidence of the commission of an offence...without a warrant, if the conditions for obtaining a warrant exist but because of exigent circumstances it is not practicable to obtain the warrant."

Has the minister taken advice on this issue with respect to the search-and-seizure provisions?

[1645]

**Hon. B. Penner:** This legislation has actually gone through review by three different branches within the

Attorney General's ministry, including legislative counsel, legal services branch and the criminal justice branch. We received approval to proceed with this legislation.

**L. Krog:** I'd like to defer for a moment to one of the other members who would like to ask a question in this particular section.

**D. MacKay:** Thank you to the member for Nanaimo for the opportunity to ask a similar-type question.

The Charter issue has been raised by the member for Nanaimo. Living in the northwest part of our province where we have a lot of guide-outfitters with hunting camps that are used part of the year as residence.... In the wintertime when the camps are closed, those facilities are then used for storage. I guess the question I have is: should a conservation officer decide to enter a premise or a building that was used part-time as a principal residence and is now in the storage mode, does he still have the authority, under this new legislation, to enter the residence portion of that building?

**Hon. B. Penner:** If the member is interested in joining me in going back to our enforcement days and we find ourselves in this type of situation that you just described, I think we would be better served by relying on the provisions of section 93 of the Wildlife Act as it currently exists — specifically section 93(c), which authorizes a conservation officer or constable without warrant to "enter and search a shop, public market, storehouse, garage, restaurant, hotel, eating house or camp, in or on which he or she believes on reasonable grounds that wildlife or fish is located." That is a provision that already exists under law to allow that type of a warrant-less entry.

**L. Krog:** Sub (9), to be added now, says that for the purposes of subsection (8), exigent circumstances means "circumstances in which the delay necessary to obtain the warrant would result in danger to human life or safety or the loss or destruction of evidence." I'm just wondering, speaking for the animal lovers of this province, why the section doesn't contain any provision with respect to danger or safety to animal life.

**Hon. B. Penner:** As I indicated, this proposed legislation did get reviewed by three different branches of the Attorney General's ministry. While we had approval to proceed, we're also trying to proceed cautiously lest there be the Charter challenges that the member opposite talks about.

[1650]

While we believe these authorities are necessary under the situations described here, we also want to make sure that we limit the authority to perform these types of searches without a warrant to those cases that will most likely survive a Charter challenge and Charter scrutiny. We have modelled this particular provision on an existing provision in the federal Fisheries Act, and it has similar language. We have some confi-

dence that this language will be deemed acceptable by the courts.

Section 6 approved.

On section 7.

**L. Krog:** Just a general question on section 7. What's the purpose of bringing section 7 in — this addition?

**Hon. B. Penner:** In our unending quest to make the laws of British Columbia more accessible and understandable to the average person, we are endeavouring here to consolidate a number of different provisions and just simply reorder them in a more logical fashion so that when you turn to the particular section or part of the legislation, you can see what the relevant provisions dealing with search and seizure are. We're just kind of recomposing existing authorities into a particular place in the legislation here.

Sections 7 and 8 approved.

On section 9.

**L. Krog:** With respect to section 9, if the minister could simply explain the purpose of this change.

**Hon. B. Penner:** I believe this provision will actually increase environmental protection, because currently, in order for a conservation officer to perform an inspection of a vehicle, you have to believe that it's transporting hazardous waste. Until you perform that inspection, it's hard to know whether or not it is in fact carrying hazardous waste. It's difficult to form the necessary mental conclusions, as an investigating officer, on whether or not that vehicle is likely to be carrying hazardous waste.

Essentially, this broadens the authority of inspections to take place, and now the conservation officer or other inspector merely has to be satisfied or to believe that the vehicle is carrying waste in order to be entitled to inspect that vehicle and determine whether or not in fact it is carrying hazardous waste.

[1655]

Sections 9 to 12 inclusive approved.

On section 13.

**L. Krog:** I'm sure the minister involved will be kind with my ignorance, and I'm sure he's listening carefully to my question, as this involves the Ministry of Transportation.

It seems to me that this section has the possibility of essentially removing a stream of revenue from local government. I would appreciate the comments on that.

With respect to section 13, it strikes me that this, in fact, may have the effect of removing revenue from local government — is the way I would read it — as it appears to suggest that the Lieutenant-Governor-in-

Council has the power to exempt from liability for taxation specified lands and improvements. I'm just wondering if, in fact, that is the case. If so, is there any compensation contemplated?

**Hon. K. Falcon:** No, that's not the case at all. This actually was a piece of legislation drafted in 1998. At the time when it was drafted, it was not anticipating, frankly, the use of P3s in terms of delivering of major projects. What you have is an exemption that is currently provided, for example, in the Millennium Line and the Expo Line. This is just ensuring that that same tax exemption applies to the Canada line or the Evergreen line or any other such transportation project.

**L. Krog:** Just so I'm clear, the intended purpose, then, is to simply allow government to provide exemptions to corporate bodies, I take it — not "persons," in the broad sense of the term, but to corporate bodies for purposes that are largely public in nature.

**Hon. K. Falcon:** "Persons" could theoretically be a person, but by the nature of these kinds of projects, the member opposite would probably recognize that these almost always are entirely corporations.

**L. Krog:** Just so I'm clear from the minister, on the base wording of the language — and legislation is always presumed to have some intent behind it — that means a lowly, subcontracted carpenter, in theory, working individually, not through a corporate body, would be covered by this potential exemption. I just want to confirm with the minister that that is, in fact, the case.

**Hon. K. Falcon:** The lowly carpenter is unlikely to be the owner of the lands on which this rapid transit project is being built.

**L. Krog:** As I understand it, then, if I'm an owner of land that is needed for one of these purposes, I could be exempted from taxation. What range of taxation are we talking about? That's what I'm not very clear on. I wonder if the minister can answer that.

**Hon. K. Falcon:** We're talking very specifically about property tax exemption.

Sections 13 to 23 inclusive approved.

**The Chair:** Will section 24 pass? So ordered. Will section 25 pass?

[1700]

**L. Krog:** Sorry. I'm a bit slow off the mark. I was rising on section 24.

On section 24.

**L. Krog:** Again, one of the concerns that the opposition has is around the issue of the Charter and unrea-

sonable search-and-seizure provisions. I would appreciate the comments of the minister on this particular section.

**Hon. B. Penner:** First of all, I should clarify that this provision or these provisions — section 24 — only pertain to situations where the landowner or homeowner has given permission, consent for someone to enter the property or the investigator has a warrant. The amendment applies to inspections as opposed to investigations.

Sections 24 to 28 inclusive approved.

On section 29.

**L. Krog:** I'm wondering what this section is aimed at in terms of vehicles; in other words, what vehicles is the ministry concerned about with this particular section?

**Hon. K. Falcon:** Primarily it refers to what they call motorcoaches or buses and commercial vehicles.

**L. Krog:** Does this have anything to do with making such vehicles more accessible to the public, particularly those who are handicapped?

**Hon. K. Falcon:** No, it doesn't. This is more a case of where we've got requirements in legislation that don't often keep up with the changing nature of the industry. What this will help do is allow us to bring about, by regulation, some of the regulations required to meet the standards that are increasingly being set with respect to this industry. This amendment will address that issue, and by allowing us to include new requirements in the regulations rather than the act, it will improve the ministry's ability to respond to future requirements.

Sections 29 and 30 approved.

On section 31.

**L. Krog:** The particular change made to Ambrose Lake and the description for Gladys Lake Ecological Reserve: will that result in any reduction/increase in either of these?

[1705]

**Hon. B. Penner:** I have been joined by a new set of staff who have helped prepare the amendments when it comes to park boundaries, which, as I understand, is always a challenge in terms of getting the boundaries accurate.

In terms of the specific section that we're dealing with here — I believe it's section 31 — this change is to add 32 hectares to the existing ecological reserve. This means that the total area of the ecological reserve will now be 295 hectares. The land that we're adding, I'm advised, was previously Crown land.

**N. Simons:** Minister, thank you for answering these questions.

Are there any other changes in relation to Ambrose Lake besides the addition of this piece of land?

**Hon. B. Penner:** Apparently not. I'm told that this is it for now.

**L. Krog:** Again, the same question with respect to the Gladys Lake Ecological Reserve. I'm wondering if this represents an expansion or reduction, and if so, for what purpose?

**Hon. B. Penner:** The impetus for this particular change or amendment stems from a public advisory group that issued a report with a recommendation last year — I think in the summer of 2005. What's happening with this particular amendment is: converting 2,499 hectares from Gladys Lake Ecological Reserve to class-A park status in Spatsizi Plateau Wilderness Park. The member will know that's a class-A park.

Gladys Lake Ecological Reserve was originally 43,040 hectares. As a result of this amendment, the area will now be 40,541 hectares, but there is an addition of 2,499 hectares to Spatsizi Plateau Wilderness Park, which, as indicated, is a class-A park.

Sections 31 and 32 approved.

On section 33.

**L. Krog:** Particularly with reference to section 33(a), repealing the descriptions of Barkerville Park and Sudeten Park, I wonder if the minister can confirm that the Sudeten Park is the park located south of Fort St. John?

**Hon. B. Penner:** I am ably assisted by my colleague, the member for Peace River North, who advises me that Sudeten Park is actually more closely located to Dawson Creek than it is to Fort St. John. I believe that it totals about five hectares in size — give or take. He also told me a few days ago that it was very negatively impacted by some flooding in the mid-1980s. As a result...

Interjection.

**Hon. B. Penner:** Oh, sorry, that's a different park, evidently. Nevertheless, Sudeten Park is near Dawson Creek. This amendment has been a matter of some discussion with the regional district, and I understand they're anxiously awaiting the transfer of management authority for that piece of land.

**L. Krog:** I wonder if the minister can confirm that Sudeten Park was in fact named for German socialists or pacifists who came and settled in that area back in the '20s or '30s? The minister might seek assistance from the other minister.

[1710]

**Hon. B. Penner:** I don't know what the particular political leanings were of the people involved in this,

but apparently the area was set aside to commemorate the immigration of the Sudeten people from the former Czechoslovakia in 1938 as they left that particular area.

**L. Krog:** My thanks to the minister for confirming what I believed to be true, that this important park was in fact to commemorate those fleeing Nazi Germany and has some historical significance. Thus my questions around this particular area.

Will the fact that it is now being dropped, if you will, from the schedule of B.C. Parks...? Are there any guarantees? Will there be contracts in place? How can the public of British Columbia be assured that this important recognition of an important piece of British Columbia's history and its settlement in that area would be protected in perpetuity for park purposes?

**Hon. B. Penner:** As is often the case in these types of transfers, there is a reversion clause in the legal documents so that if the park is no longer being used for park purposes by the group that's assuming management responsibility, then that land would revert back to the B.C. government and B.C. Parks. I should note, though, that the group that will be taking on management responsibility has, in practice and in fact, been looking after this particular area for about four years now, and I'm told they've done a good job.

**L. Krog:** The minister referred to "group." I'm just wondering.... I take it then, that this is not being transferred, in fact, to local government of any form. This is being transferred to a society or some association. Can the minister confirm, if that's the case, what sort of society or group we are talking about?

**Hon. B. Penner:** In fact, what we're proposing to do here is transfer ownership or management authority for this land to the Peace River regional district with the understanding that it would be managed by the Toms Lake and district recreation commission.

**L. Krog:** On to Kledo Creek Park. Can the minister tell us what's happening with Kledo Creek Park, and what changes or what benefit will the public receive from this?

**Hon. B. Penner:** This is the park I thought I was referring to earlier, based on input from my colleague the member for Peace River North, who advises me that in the mid-1980s — and parks staff confirm that — the facilities that were there were damaged in a flood. They were not repaired or replaced, and in 1988 all the facilities were removed from this rather small six-hectare park. It has not been utilized as a park since that time by members of the public, at least not to any significance, so the land is proposed to be returned back to the administration of the Ministry of Agriculture and Lands as Crown land.

**L. Krog:** If it's going back to the Ministry of Agriculture and Crown lands, is there some expectation

that this will, in fact, be disposed of as opposed to being reserved for public use?

[1715]

**Hon. B. Penner:** Again, I'm being ably assisted by my colleague the member for Peace River North, who, helping with some of the large geography of this part of the world, tells me that this particular park is located approximately 60 kilometres north of Fort Nelson and is right adjacent to the Alaska Highway.

I don't imagine there's any particularly strong demand for the utilization of this piece of property, given its location. However, it will be Crown land. If members of the public want to stop there and go for a walk and stretch their legs, they certainly will be entitled to do that.

**L. Krog:** It strikes me that if you take away the facilities in a public park, the actual use would diminish. Given the great goals of continuing economic prosperity in this province, I can't begin to understand why the ministry would wish to reduce the accessibility for tourists and other visitors to that great northern part of the province by reducing the number of parks available.

Clearly, if all we're talking about is a walk after you get out of your car as opposed to providing proper facilities, I'm wondering if the minister has consulted with the minister responsible for tourism with this particular section.

**Hon. B. Penner:** I'm not sure if the member has ever been to that part of the world, but if he hasn't, I would highly recommend it, particularly with all the improvements in the roads that have taken place in the last few years, due to the able advocacy of the member for Peace River North.

This particular park.... The member perhaps wasn't listening carefully when I was describing earlier what happened. It wasn't B.C. Parks that took away the facilities; it was a flood of Kledo Creek in the mid-1980s. So Mother Nature kind of decommissioned this particular site all on its own. I'm told that from time to time people still do stop there and go for a walk, and if they want to continue to do so, they may do so. There are many other provincial parks in the vicinity. There is the Muskwa-Kechika protected area, which is a huge area in that part of British Columbia.

Seriously, though, I do commend that part of the province to members from the southern part of British Columbia who may not have been there. It's spectacular and well worth the visit.

**L. Krog:** With respect to the changes to Shannon Falls Park, as I understand it, this is to remove a hectare of the park for purposes of expanding the Sea to Sky Highway corridor for construction upgrades. I'm wondering if the minister is contemplating expansion of this park.

**Hon. B. Penner:** In answer to the member's question, changes are being made to improve the safety of

the highway there. We did take a look — B.C. Parks staff did — to see if there was some other way to add to the size of Shannon Falls Park. I'm advised that there were no suitable replacement lands at Shannon Falls Park. However, there have been a number of initiatives undertaken in terms of compensation for the improvements to the Sea to Sky Highway. As a result, there are about 15 to 20 hectares of high-value conservation lands that are being added to nearby Murrin and Brandywine Falls Provincial Parks.

In addition, my colleague the Minister of Transportation has generously authorized the B.C. park system to access some capital money from his budget, which is allowing us to make a number of improvements to provincial parks along the Sea to Sky corridor.

Again, I can commend that particular trip to members opposite in your spare time — if you have any, because I know it is hard to find that time. But it's worthwhile taking a visit to Shannon Falls Park. I had a chance to stop in there a few months ago and was pleased to see the improvements that are being undertaken, in part with that funding we've received from the Ministry of Transportation.

[1720]

About \$100,000 is being spent on capital upgrades right now in that provincial park, making it wheelchair-accessible for people to be able to get out and actually see the falls. Previously, those falls were not accessible to people confined to wheelchairs. So this is improving access, improving safety along the highway, without diminishing the ecological values of Shannon Falls provincial park.

**L. Krog:** I'd like to defer to the member for North Island with respect to Strathcona Park.

**C. Trevena:** Talking about the history of parks, I'm sure that the minister is well aware of the history of Strathcona Park, which is why I would like a little bit of an explanation about why there are two pages of amendments to the description of the park and what they entail.

**Hon. B. Penner:** I'm pleased to report that the new legal description for Strathcona provincial park, although still two pages, is a reduction from the previous legal description, which went on for almost three pages.

The reason for this is that, I'm told.... Over the years — and it's been many years — there have been numerous additions or changes to the boundaries of Strathcona Park. Each time an addition was made, a new paragraph was added to describe that addition. Over time, parts of the description became repetitive, as additions often shared a common segment of the boundary. The new description is a consolidated description, and therefore somewhat shorter in length.

The member is quite right. This park shares a very special place in the history of British Columbia because it's British Columbia's first provincial park, established,

I believe, in 1911. It too, is a gorgeous place to go and visit. I haven't been there for a few years, but I have had a chance to do some back-country hiking along a few ridges there and to spend a few nights up in the wilderness. It is a spectacular part of British Columbia.

**C. Trevena:** I thank the minister for that explanation. I just wanted to suggest that he does come back to Strathcona Park when he can, because it is a stunning park. I think B.C. is extraordinarily lucky.

I just wanted to make sure that when we're talking about consolidating the description, it isn't reducing, at any place, the actual size of the park.

**Hon. B. Penner:** As a result of these amendments, the park will actually be bigger in size. More importantly, I'm told by people in the area that the area protected within the park will be of a higher ecological and recreational significance than was previously the case. That's because a number of lands that were set to be harvested, I think by TimberWest, a couple of years ago will now be added into the park boundary. Harvesting activity will not take place in that new part of the park. So it's an expansion overall, in terms of the size of the park, but more significantly, those areas that are being protected have been deemed to be of higher ecological or recreational values.

[1725]

The impetus for this change started when there was concern about the proposed harvesting on privately held lands by TimberWest, and we were contacted by the Friends of Strathcona Park and the Strathcona Park Public Advisory Committee. This move we're making here today is also supported by the owners of the Strathcona Park Lodge. So there are multiple groups involved in this, and I'm told that we have letters of support from all of those groups.

Section 33 approved.

On section 34.

**L. Krog:** I simply want to confirm that all of these descriptions represent additions and, I presume, transfers of Crown land into schedule-D status, and it does not in fact represent any reduction in the size of preserved areas and, in particular, the Indian Arm Park description.

**Hon. B. Penner:** To answer the member's specific question around Indian Arm Park, as a result of these amendments the park will be, I think, about 27 hectares bigger in size. This land was originally privately held land acquired by the GVRD, I'm told, in the late 1990s, but with the intention that the GVRD would transfer it to B.C. Parks for inclusion in the provincial park.

**M. Farnworth:** I ask leave to make an introduction.

Leave granted.

### Introductions by Members

**M. Farnworth:** It is a real pleasure for me to introduce a person in the gallery, someone whom I've known for a long time. He is the current mayor of Port Coquitlam. He has been mayor now.... This is his second full term. He won it in a by-election, after the late Len Traboulay, and he is doing a terrific job for the city of Port Coquitlam. He won with a resounding 90 percent of the vote in the last municipal election. I would ask the House to give a really great welcome to Mayor Scott Young from the city of Port Coquitlam.

### Debate Continued

Section 34 approved.

On section 35.

**M. Karagianis:** I note in section 35 that this actually represents a fairly significant shift in the venture capital programs. I wonder if the minister could give us an explanation why a very important prohibition is being removed that actually continued to establish arm's length between VCCs and small business?

**Hon. C. Hansen:** I would not describe this as a very significant change that is taking place. Circumstances that we'd have in the past are that you may have an individual who is one of 500 minor shareholders in a venture capital corporation, and because they hold even just one share in the venture capital corporation, the corporation itself is prevented from providing venture capital to a startup company where perhaps that individual may have a more significant interest. What we're talking about here is putting the words in place that would say that if the individual is a major shareholder in the venture capital corporation, then they would have those prohibitions in place. To put it in perspective, a major shareholder is defined as somebody that would be holding 10 percent of the voting shares or more.

**M. Karagianis:** I do understand the description of a major shareholder. But could this situation not work conversely — that a consortium of small business owners could participate as 9-percent shareholders of the VCC and at that point take control and in fact manipulate the investments of that VCC?

[1730]

**Hon. C. Hansen:** There are control provisions in place in section 13 of the act, which actually says that any group of investors holding more than 50-percent interest would be prohibited. If you had the nine investors that the member talked about, they would still by definition have to have a minority interest for this particular clause to have any effect on them.

**M. Karagianis:** Well, perhaps thinking of something much more manipulative of venture capital investments, a group of shareholders not categorized as major, though, could certainly seize control of the investments of the VCC. They would not even have to be a recognized consortium or an organized group. In fact, does this not allow some cross-contamination here? It removes this arm's length with the slight change in language — removal of a prohibition that was there for a specific purpose. Does this not certainly open up some potential for dollars to be funnelled to specific business interests by an even non-organized group over the VCC?

**Hon. C. Hansen:** The recipient of this investment is the small business, the startup company or the expanding company. That is actually why the legislation is set up — to encourage and to make more venture capital available to these small startup companies. The intent of the provisions in the act is to protect the interests of the small business so that the venture capital corporation would be prevented from taking over the small company. We really want to be able to encourage and grow these small companies.

What we're saying by allowing for a very minor shareholder in a venture capital corporation to.... If the major shareholder of the small business is a very minor shareholder of the venture capital corporation, we believe that still constitutes arm's length. Our intent is to make sure that the small business is protected from the possibility of aggressive takeover interests by a venture capital corporation.

**M. Karagianis:** I think perhaps the minister has missed the point that I'm making. In fact, it's not about the venture capital corporation taking over the small business interests but small business being able to.... With this change in the prohibition, small business could in fact see a way to influence the venture capital corporation to invest in their business or in a specific business and could find a way now to manipulate the venture capital corporation much more than they would have under the previous prohibition.

I would like clarification on why a prohibition that was in place is now being removed, which actually does seem to open some potential for manipulation of the venture capital corporation or potential misuse of that by business.

[1735]

**Hon. C. Hansen:** I think there's an important distinction — and I think the member has made it — between the ability to control a decision by a venture capital corporation and the ability to influence a decision by a venture capital corporation. If you want to be able to control a decision, then you would have to have more than 50 percent, and section 13 provides the protection there that would take effect.

If, for example, you had six shareholders, each controlling 9 percent of a venture capital corporation, that would result in 50 percent control, and therefore, sec-

tion 13 would be applicable. We're not talking about control; we're talking about influence. I would argue that a small, minor shareholder in a venture capital corporation would have no more influence on the decisions of that venture capital corporation than a non-shareholder would.

A small company that's looking for venture capital has the ability to make their pitch to the decision-makers within a venture capital corporation. That small company has the same ability to make that pitch and to influence the decision of the venture capital corporation whether they are a minor shareholder or a non-shareholder. So I would argue that the change we're making would really not make a difference in who ultimately controls those decisions, who ultimately has the major influence on those decisions by a venture capital corporation.

Section 35 approved.

On section 36.

**M. Karagianis:** Section 36, of course, hand in hand with section 35, has some very interesting implications. I would ask at this point that with regard to this.... There are now no limits placed on venture capital investments. They were raised at one point within the last couple of years. I believe amendments that were made in 2003 raised the investment limit to its current ceiling, but now that's being removed. Could the minister explain to me exactly how the limit is going to be imposed in the future — on the amount of money?

**Hon. C. Hansen:** When the member refers to the changes that were made in 2003, that was not to this program. Those were actually changes that were made to the Employee Investment Act. It was with regard to labour-sponsored funds.

This provision that's in here of the limit of \$5 million in fact goes back to 1985, and it has not been changed since 1985. What we are doing in this legislation is that instead of having it prescribed in the legislation, the ability to vary this amount in the future would be by order-in-council. What we are proposing.... In fact, the regulation that will be put forward subsequent to royal assent on this legislation would be to maintain the \$5 million limit for section 15(1)(a) and to increase the amount under 15(1)(b) to \$10 million from its current \$5 million limit.

**M. Karagianis:** In the future, then, the limit can be changed by an order-in-council. How will that decision be made, and what will trigger that?

**Hon. C. Hansen:** Those decisions would be made by cabinet. An order-in-council would be changed by cabinet, based on the advice we would be getting from staff in the ministry. Just to put this in a bit of perspective, I think that the \$5 million limit really became quite restrictive on some of these small startup companies.

[1740]

We've got some great success stories in British Columbia. A report that just came out recently that was in this morning's *Vancouver Sun* talks about the fact that British Columbia has become a real magnet for some of these technology and biotech companies, and it's because of the venture capital program that we have in place.

If you put it in perspective, what may have made sense in 1985 with regard to the \$5 million limit doesn't come anywhere close in 2005 dollars today, especially if you look at the dynamics in the market today. As I mentioned, we are proposing to leave the amount that any one venture capital corporation can invest to \$5 million, but we're saying that the combined investment by venture capital corporations, plural, would be raised to \$10 million by order-in-council. Any subsequent changes would really be as a result of an assessment of the market and what we as a province can do in a responsible way to manage the tax credit program within defined limits but also to make sure that we truly can give the startup companies a leg up to success.

**M. Karagianis:** That's a very reasonable explanation. I, too, read the article today with regard to the new technology companies looking to start up here or to move here and the reasons why.

The minister has said that in the future it would be triggered, obviously, by the market. Could, in fact, a revision of that be triggered by the marketplace itself requesting more money?

**Hon. C. Hansen:** I guess from my experience in government I can tell you that the marketplace is constantly requesting flexibility in programs and more tax credits and increased limits. I think government takes a very cautious approach to those. Obviously, we try to consider suggestions and input that come in, but it is a decision that would be made solely by cabinet in approving an OIC. There's nothing else in the marketplace that could trigger that.

**M. Karagianis:** Being somewhat familiar with the internal workings of government and how OICs work, it is not inconceivable that an OIC could be changed. There are certainly ways that OICs are written and signed that do not go before cabinet. Is there any way to safeguard that a specific industry is not able to influence a corridor order that would be of significant implications to this and would change this?

**Hon. C. Hansen:** The member is right. Technically, an order-in-council could be approved as a corridor order, and those subsequently come before cabinet. I think the bottom line is that even a corridor order has to be signed off by executive council. Whether it's an order-in-council that is approved directly by all of cabinet or whether it's approved as a corridor order and subsequently comes before cabinet, it still has the power and authority and can only be executed by executive council.

Sections 36 and 37 approved.

On section 38.

**M. Karagianis:** I just wondered: what was the purpose of this change, for section 38?

[1745]

**Hon. C. Hansen:** As I understand it, there are jurisdictions in North America that do allow for par-value shares, so this gives a little bit more flexibility. It basically was seen as one of those restrictive conditions in our legislation that did not produce a useful benefit but, in fact, put us in conflict with provisions that were allowed in some other jurisdictions. It's just one little bit of red tape that we're able to eliminate as we're going through some of these other amendments.

**M. Karagianis:** Perhaps my final question on this section: how will this, in fact, assist small business in their startups, and what are the benefits of this to them?

**Hon. C. Hansen:** Basically, what this does is provide some small businesses with more flexibility so that in order to participate in the venture capital programs, they don't have to go back and completely redesign their existing corporate structures or their share structures. In fact, we are trying to be flexible so that we can adapt to the reality that's out there in the marketplace today.

Sections 38 to 44 inclusive approved.

On section 45.

**L. Krog:** I believe the minister has his staff available. This section repeals 23(1)(c) of the University Act in its entirety, which is the requirement of Canadian citizenship and residency for university board members. It is contemplated so that international students and faculty members and employees may participate in university governance even though not enjoying Canadian citizenship.

Frankly, nothing delights me more than the prospect of citizens of other countries participating in the governance of our universities. I think that's a very important and progressive measure. I'm very fond of that lovely line of Tennyson's in *Locksley Hall*: "the parliament of man, the federation of the world." Certainly, the growth of education, international education, is a very important contributor to that.

But my understanding of this section is that it means, in theory, that every member of the board of governors of any of the universities in British Columbia could in fact be a citizen of another nation, and we would not have one Canadian on the boards. I would like to hear the minister's response to that.

**Hon. M. Coell:** They would still need to be elected by their peers and appointed by the Lieutenant-Governor.

**L. Krog:** I well appreciate that's probably the intention, but my difficulty with this is if this is intended to remedy — what I see as a problem, and I agree the government certainly sees as a problem — the inability of foreign students and foreign faculty members to participate in the governance of the university, why aren't we simply changing the provisions that relate to those specific appointments? The appointment section regarding composition of the board in section 19 of the University Act makes it very clear who gets appointed to it. I'm just wondering why we simply don't limit the effect of the repealing of section 23(1)(c) to those persons that I've specified — namely, students and faculty and employee representatives on the board.

**Hon. M. Coell:** This really brings us in line with other jurisdictions. It also brings us in line with the College and Institute Act and the Royal Roads act as well.

Sections 45 to 49 inclusive approved.

Title approved.

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

Motion approved.

The committee rose at 5:50 p.m.

The House resumed; Mr. Speaker in the chair.

### Report and Third Reading of Bills

#### MISCELLANEOUS STATUTES AMENDMENT ACT, 2006

Bill 15, Miscellaneous Statutes Amendment Act, 2006, reported complete without amendment, read a third time and passed.

**Hon. C. Richmond:** Noting the hour, we will take our dinner break now and recess until 6:45.

**Mr. Speaker:** This House stands in recess till 6:45.

The House recessed from 5:51 p.m. to 6:47 p.m.

[Mr. Speaker in the chair.]

**Hon. G. Abbott:** I call second reading of Bill 17.

### Second Reading of Bills

#### ATTORNEY GENERAL STATUTES AMENDMENT ACT, 2006

**Hon. W. Oppal:** Mr. Speaker, I move that Bill 17 now be read a second time.



Bill 17 amends various statutes under the responsibility of the Attorney General. Amendments to the Escheat Act are a part of an initiative by the Ministries of Environment and the Attorney General to address the situation where ownership of private water systems has defaulted to the province as the owner of last resort. While government manages these water systems to ensure that they provide safe, healthy drinking water, the intent is that government work with the property owners served, the local government and others to transfer these systems to appropriate owners at the earliest possible time.

The amendments to the Escheat Act will enable this by allowing for the transfer of ownership of such water systems to the appropriate owners as soon as necessary, without having to wait the two years that is now required from the date of the company's dissolution. The act would also be amended to allow the government to charge fees to property owners to recover costs associated with operating and maintaining water systems and to allow for deferred payment agreements in cases of hardship. The amendment also provides for remedies for collection of unpaid costs.

Amendments to the Business Corporations Act are consequential to the Escheat Act. Amendments that provide water system property that is escheated to, or vested in, the Crown on the dissolution of a company are not affected by the restoration of a company except as provided in the Escheat Act. This amendment parallels the existing provision with respect to non-water system land that has escheated to government.

Bill 17 also amends the Estate Administration Act to clarify the original intent that the official administrator may obtain a grant of administration for an estate valued at \$25,000 or less without having to provide consents from the deceased's relatives.

[1850]

Minor amendments to the Infants Act will provide certainty to all parties in a provincial court, small claims division, that involve a person under the age of 19. These amendments parallel provisions now in the Supreme Court. The amendments will clarify that the public guardian and trustee may consent to an order awarding damages in favour of a child under 19 years of age or an order dismissing a child's claim in Provincial Court as well as Supreme Court.

This bill also amends the Sheriff Act to guarantee that all persons in the custody of a sheriff are subject to a fair and appropriate search procedure to make sure dangerous objects are kept out of our courthouse facilities. It is the sheriff's responsibility to mitigate harm and to protect people in their custody — as well as to protect themselves; other sheriffs; members of the public; and the court participants, including members of the judiciary.

As a strip search is the only manner of ascertaining whether a prisoner has hidden dangerous non-metallic contraband on their person, these searches must be performed in certain cases. The new provision was drafted to be consistent with the wording of the

"Search of inmates" under the Correction Act and the Youth Criminal Justice Act.

The amendment to the Sheriff Act will authorize and control searches, including strip searches, of people who are in the lawful custody of a sheriff. This provision deals with Charter issues, specifically the fundamental rights and freedoms of individuals. Therefore, searches will be conducted in accordance with the rules set out in the regulations. The power to make these regulations will be expanded in this provision.

Amendments to the Statute Revision Act will allow minor errors in statutes to be corrected by regulation. Examples of errors to be corrected under this power would include typographical errors; cross-reference errors; formatting errors; punctuation errors; duplicated numbering; and minor grammatical errors such as repeated words, missing articles and misplaced conjunctions. This correction power would not be used to change the intended policy or the legal effects of a statute. The amendments would provide the authority to split acts and provisions and replace the current system of revision supplements with a system that parallels that used for consequential amendments in bills.

Finally, this bill validates the appointments made to the Electoral Boundaries Commission and all proceedings, decisions and actions of that commission thus far. As members will recall, the commission has a mandate to recommend boundaries, not only under our current electoral system, but also boundaries under the single transferable vote system. So voters will have that information before the 2008 referendum on electoral reform.

The statutory deadline for appointing the commission was November 30, 2005. However, the appointment occurred on December 13, 2005. The hon. Mr. Justice Bruce Cohen was appointed chair, and the other appointed members were Harry Neufeld, the province's Chief Electoral Officer, and Louise Burgart. Ms. Burgart subsequently resigned from the commission in February of this year and has been replaced by Stewart Ladyman. This validating legislation provides certainty for both the appointment of the commission and the work that has been done thus far.

**L. Krog:** It's always a pleasure to rise to respond to the Attorney General when the opposition is presented with one of those wonderful statutes containing so many interesting revisions to various acts of the Legislature.

Obviously, the issue around water in the Escheat Act is one that is of great importance to British Columbians. The access to good drinking water is a fundamental necessity of life. Having grown up in an area where one relied on well-water and being familiar with the particular system at Breakwater at French Creek, which has been the subject of much controversy between the regional district of Nanaimo around the issue of privatization and EPCOR — which the Attorney General is no doubt familiar with.... This is a matter of no small importance.

[1855]

Clearly, the government has decided to move on this particular issue because of its recognized public

importance. A number of these private water systems are, in fact, failing. A number of them are not properly operated. A number of them are obviously being administered by small, closely-held corporations, and the value and the assets are escheating to Her Majesty, as is quite appropriate.

One of the concerns that this bill presents for the opposition, however, is that it's not entirely clear — and I do look forward to committee stage of this bill — what the government's intention is with respect to the policy surrounding what happens to water systems that escheat to the Crown — whether, in fact, the government will take on the responsibility for an extended period of time in order to ensure both continuity and quality of the provision of water services. That is a matter of no small importance to the British Columbians affected by it. I suspect, given the proliferation of subdivisions in rural areas, we are talking about tens of thousands of British Columbians who are reliant on private water systems and for whom any legislation affecting those water systems is extremely important.

Clearly, given the length of the provisions set out in Bill 17, this is a matter that the government takes very seriously. But it is not clear to the opposition that the government intends to do anything other than try and get rid of these systems as quickly as possible, instead of giving due consideration to bringing them under public control, perhaps with the cooperation of local governments — be they regional districts or whatever. I would trust and hope that the government will give serious consideration to ensuring that the interests of British Columbians who rely on these water systems are protected.

With respect to the changes to the Estate Administration Act, I must say I'm delighted by this modest revision of the statute. As someone who has practised law in this province for a great deal of time, I'm glad to see the government getting caught up, so to speak, with some of the obvious changes in circumstances surrounding the administration of the Estate Administration Act.

Around the Infants Act, this is clearly of great benefit. One of the concerns around the Infants Act has always been the extensive requirements for approval and the process and the cost, particularly where smaller settlements are involved. The standard jokes about lawyers eating up too much of the just-damage awards or settlements to infants have been the subject of much discussion from time to time. I compliment the government on this provision. It appears to be nothing other than good housekeeping, a very sensible approach and a recognition of the changes to the limits in the Small Claims Act.

With respect to the Sheriff Act changes, though, this raises some very serious concerns for the opposition, and I think it should raise concerns for British Columbians. I think the public is very curious to know what has motivated these amendments and whether or not it represents an intention on the part of the government that this creates an entirely new power to conduct strip searches, as opposed to simply regulating a practice

which, by some reports, has been abused. That is clearly an issue.

I know that in the city of Nanaimo just the mere issue of custody of female prisoners, the availability of facilities for female prisoners, and their treatment generally has been of great concern. There have been differing policies applied across the province in this area. These provisions do raise concerns in the opposition.

I think it's very important that during the course of the committee stage of this bill, we talk about the current policy and practice and what's happening in the courts and the jails now and, obviously, the issue of the minister's understanding of the constitutionality of these searches, because a strip search is ultimately one of the most invasive measures of one's personal privacy. No one — no one — should have their personal privacy invaded in such a manner unless it is absolutely necessary. One of the concerns also, I think, is whether or not there will be true accountability surrounding this issue when it comes to those who will be conducting strip searches.

[1900]

This particular bill is going to be the subject of much discussion. I give fair warning to the Attorney General that strip searches are a topic of enormous interest to civil libertarians in this province. How we treat prisoners — people who have not in fact been convicted of crimes but are simply in the process of being charged — is of enormous importance in a free and democratic society. Obviously, the opposition has concerns around that.

With respect to the Statute Revision Act, I must say in a very quick and early reading — and I confess that I read it very quickly at first, and then a little more closely secondarily — I was extremely concerned that this represented another attempt by the government to simply take away from the powers of the Legislature. It is the growth of government by regulation and not by statutory change, which should be of concern to all citizens in our democracy. But I can happily say that the provisions, particularly respecting the fact that it must be confirmed — these corrections — by the next session of the Legislature after the regulatory changes have been made, gives me great comfort.

On the final important section of the bill, section 17, with respect to the Electoral Boundaries Commission appointments.... And this is no criticism of any of the parties involved. I have no doubt that Louise Burgart might have made a very fine member of that commission. I know nothing about Mr. Ladyman, and I suspect he will make a very fine member of that commission. I think both sides of this House bear some responsibility in this, but I must say that when I look around this chamber — and considering the incredible array of talent exhibited by the women in this chamber — it strikes me as very odd that in a province of four million people, somehow we couldn't possibly find a qualified woman to sit on the Electoral Boundaries Commission in the year 2006. It is not exactly an appealing thing.

Again I want to emphasize that I have no criticism of the former appointee, Louise Burgart, or of Stewart

Ladyman, who is the replacement appointee. But the end result is that the electoral boundaries for the next provincial election in British Columbia, where over half the population are women, are going to be determined, in fact, by three men.

With great respect — and I say the responsibility lies in both sides of this House — I think we should and could have done a better job. I would hope that my remarks will have some impact on the next Legislature, when this issue of the Electoral Boundaries Commission comes up, because I think it sends a very negative signal to all of those women who have worked so very hard to gain positions of equality and positions of authority in our democratic system over the last many decades, to be now faced with a situation where we can only find three men to do this job.

With great respect, I suspect that one intelligent woman could have handled the job on her own, but that's a question for another day. As the old saying goes, "If you want to get the work done, find a woman to do it." I mean that with all due respect, notwithstanding the smiles on the faces of many members here tonight.

With that, hon. Speaker, I conclude my remarks.

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

**Hon. W. Oppal:** I move second reading of Bill 17.

Motion approved.

**Hon. W. Oppal:** I move that Bill 17 be referred to a Committee of the Whole House to be considered at the next sitting after today.

Bill 17, Attorney General 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. G. Abbott:** I call second reading of Bill 19.

#### SETTLEMENT OF INTERNATIONAL INVESTMENT DISPUTES ACT

**Hon. W. Oppal:** I move that Bill 19 now be read a second time.

This legislation would enact a uniform statute prepared by the Uniform Law Conference of Canada. The purpose of the uniform act is to implement an international convention entitled the Convention on the Settlement of Investment Disputes between States and Nationals of Other States.

[1905]

The convention has been adopted by over 140 countries, including the United States and other members of the G8, and by 26 out of 29 OECD countries. The convention establishes a process and rules under which investment disputes between a member jurisdiction and a person in another member jurisdiction may be resolved by conciliation or arbitration.

The essential characteristics of the convention are: it rests exclusively upon the voluntary consent of the parties to an investment agreement, the rules may be modified by agreement, the parties may choose the applicable law to govern their investment relationship, and member jurisdictions must recognize arbitrary awards as binding and enforce the monetary obligations of an award in their courts.

Because the convention does not have what is known in international law as a "federal states clause," the enactment of adopting legislation in all provinces and territories is a prerequisite to Canada's accession to the convention. British Columbia recognizes the value of the convention. The convention would be particularly beneficial to British Columbia investors in resolving investment disputes in which they might become involved in any of the countries that are the members of the convention or are signatories to the convention.

The convention has proved popular with international business communities and has proved effective in providing a trustworthy means of resolving disputes with a host country. Increasing Canadian investment internationally would only serve to make the convention more valuable in years to come.

**L. Krog:** Clearly, what is being called upon in British Columbia with respect to this bill is for us to join with other provinces who have already passed this similar legislation in order to ensure that Canada as a signatory to this international convention will in fact come into line — because we are, after all, a federation.

My understanding is that the province of Saskatchewan is now debating this bill — indeed, it may be passed — governed by a good NDP government, I might note for the members present tonight. The province of Ontario has already passed it, and others. I am delighted that the government here in British Columbia wishes to ensure uniformity, that Canada can in fact be a signatory to international dispute resolution mechanisms, and that that is very important.

Obviously, this gives an opportunity, however, for parties in international disputes to avoid the difficult jurisdictional issues with courts and will, perhaps arguably, cut down the fees for my brethren and sisters at the bar around the planet who might wish to employ their talents in engaging in the settlement and litigation of these international disputes.

Notwithstanding that, as much as I am delighted that the government wishes to participate in this process by passage of this bill, it does seem that if we are anxious as a province to adopt international conventions surrounding the settlement of trade disputes, I would have thought we might have been just as anxious to ensure our compliance with International Labour Organization recommendations regarding the international norms in relation to human rights and labour law. Surely what is sauce for the business community must also be sauce for international labour, for the workers of British Columbia.

I'm particularly thinking of issues around youth employment and changes to our Labour Code, which received international disapproval by the International Labour Organization. We are being asked here today to participate happily in a bill which will enable large multinational corporations to settle their disputes in a cheap manner, avoiding the necessity of expensive litigation, but we're not prepared to comply with international standards around labour law.

[1910]

The opposition is not going to oppose this bill, hon. Speaker. It does represent part of a commitment made by our country, by our national government, to an international convention. But I could not let this opportunity pass without pointing out to the government that there is a certain hypocrisy here. If we are going to look after the interests of international business, we must also look after the interests of international labour and of workers and children in British Columbia.

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

**Hon. W. Oppal:** I move second reading of Bill 19.

Motion approved.

**Hon. W. Oppal:** I move that Bill 19 be referred to a Committee of the Whole House to be considered at the next sitting after today.

Bill 19, Settlement of International Investment Disputes Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

**Hon. G. Abbott:** I call second reading of Bill 13.

#### INCOME TRUST LIABILITY ACT

**Hon. C. Taylor:** I move the bill be now read a second time.

An income trust is a type of unincorporated association under which property is held, managed or operated by a trustee for the purpose of delivering an income stream to investors. Investors in income trusts own units in a trust that in turn owns an interest in a company or another asset.

If the trustees become liable for acts done in carrying out their duties, they're generally entitled to indemnification out of the assets of the trust. However, if the trust assets were insufficient to cover the liability, there is a remote possibility that the trustees would be entitled to indemnification out of the personal assets of the investors. Although case law already suggests that the risk of investors being found personally liable to indemnify the trustees is exceedingly low, this new legislation will remove any remaining risk of an unlimited indemnity.

In this way, the risk of investors is limited to risks arising from ordinary market factors or the application

of other legislation — and to the amount of their investment, a concept familiar to shareholders of a corporation. Alberta, Manitoba, Ontario and Quebec already have similar legislation protecting the interests of investors in income trusts. Clarifying the status of investors in British Columbia income trusts will enhance our competitive position, provide additional protection to investors and generate financial and business activity in the province.

**J. Kwan:** I rise to debate Bill 13, second reading.

Bill 13 establishes, as I understand, the Income Trust Liability Act, which prevents unitholders of income trusts from being held liable for any act, default, obligation or liability of the trustee. The legislation is welcomed, I believe, by most sectors of the financial community, as it provides for additional protection for investors, and I think that's important.

The main purpose of the bill, as I understand it, is stated essentially in section 2, which is to limit the liability of income trust unitholders. It does this through declaring: "The beneficiary is not, as a beneficiary, liable for any act, default, obligation or liability of the trustee."

Investor confidence in income trusts will not be entirely resolved by this act, in my view. Many of the observers have argued that income trusts are not sustainable because they do not invest enough money to sustain ongoing operations or invest in research and development. Much of this problem, of course, has to do with the issue of disclosure and standard accounting practices. Most income trusts do not disclose the costs of sustaining capital expenditures. I think that until these costs are disclosed and taken into account when income trusts distribute cash to unitholders, the long-term sustainability of income trusts will remain somewhat uncertain.

Generally, though, we are in support of investor protection. This act is a step in that direction through removing the liability from the individual unitholder. It provides protection to investors in income trusts similar to what is already provided to investors in corporations.

However, investor protection will also rely on the sustainability of income trusts, and we support the standardization of accounting practices for income trusts and full disclosure when measuring distributable cash. So I would I ask the minister, as ongoing work in this area, to continue to pursue further actions that the government might take in providing protection to investors and moving towards the direction of full disclosure.

[1915]

But this is a step in the right direction. It's the beginning of moving in that right direction, and certainly, on this side of the House we are in support of that.

**Mr. Speaker:** Seeing no further speakers, Minister of Finance closes debate.

**Hon. C. Taylor:** I move that the bill be referred to Committee of the Whole House to be considered at the next sitting of the House after today.

**Mr. Speaker:** Minister of Finance, we have to do second reading first.

**Hon. C. Taylor:** I certainly move second reading first.

Motion approved.

**Hon. C. Taylor:** Now I've got a really good idea. I move that the bill be referred to a Committee of the Whole House to be considered at the next sitting of the House after today.

Bill 13, Income Trust Liability Act, read a second time and referred to a Committee of the Whole House for consideration at the next sitting of the House after today.

**Hon. G. Abbott:** I call second reading on Bill 18.

FINANCE STATUTES  
AMENDMENT ACT, 2006

**Hon. C. Taylor:** Mr. Speaker, I move that the bill now be read a second time.

This bill contains amendments to a number of statutes which deal with the business and financial sectors of this province. The statutes amended are the Business Corporations Act, the Escheat Act, the Financial Institutions Act, the Mutual Fire Insurance Companies Act, the Pacific North Coast Native Cooperative Act, the Public Sector Employers Act, the Real Estate Services Act and the Society Act.

For the most part, these amendments are technical in nature but are essential to these sectors. The Business Corporations Act amendments in this bill are, for the most part, purely housekeeping in nature and simply correct minor grammatical errors or address inconsistent language in order to remove ambiguity, enhance clarity and ensure that the provisions actually work in practice. The Business Corporations Act amendments also include several consequential amendments to related statutes, including the Escheat Act and the Society Act.

A few of the Business Corporations Act amendments refine or expand the original policy in minor ways to improve the efficiency or utility of the act. For example, there is an amendment to expand the short-form amalgamation process to allow the streamlined procedures to be used by companies wholly owned by the same individual.

Most significantly, the bill broadens public access to corporate share registers. Currently, only directors of a company have full access to a company's share register. Any other person who wants to see who owns shares in the company must swear an affidavit indicating that the information will only be used for certain stated and narrow corporate purposes. This approach has been criticized as being too restrictive and as having a negative effect on corporate transparency. The amendment will reinstate the unrestricted public access provisions of the former Company Act.

This bill also contains technical amendments to the Financial Institutions Act to correct typographical, reference and other minor errors made in the 2004 amendments to the act, to provide appropriate authority for an existing regulation and to clarify certain provisions relating to appeals made under this act.

In addition, the Financial Institutions Act will be amended to apply the Business Corporations Act rather than the repealed Company Act to extraprovincial financial institutions. The amendments are technical changes which will allow extraprovincial financial institutions to take advantage of the new streamlined provisions applicable to other extraprovincial corporations in this province. These are the first part of a multi-pronged, multi-year project to fully implement the Business Corporations Act by applying the new act to all financial institutions carrying on business in the province.

This bill makes two amendments to the Mutual Fire Insurance Companies Act to reduce unnecessary regulatory burden for the one mutual fire insurance company operating under the act and to decrease legal uncertainty for the company and the people the company insures.

This bill also repeals the Pacific North Coast Native Cooperative Act, which is obsolete, since the act applied to one cooperative only, and that cooperative was dissolved in 1992.

This bill also contains amendments to the Public Sector Employers Act to increase and streamline accountability and transparency of Crown agencies and to ensure that technical rules do not get in the way of the act applying to Crown agencies.

[1920]

Finally, this bill contains minor technical amendments to the new Real Estate Services Act. The amendments will eliminate a step in the commission handling process in situations where commissions have already been earned and will clarify that claims cannot be made against the special compensation fund when licensees are managing their own property.

In addition, it will give the Real Estate Council and related entities immunity from being sued for negligence in determining claims against the special compensation fund. This is consistent with their immunity for other quasi-judicial acts.

These amendments will help refine and clarify the new act to ensure that its original intent is met.

**J. Kwan:** This bill, Bill 18, Finance Statutes Amendment Act, 2006, really does touch on a number of different acts. As the minister identified, they are really technical in nature, in terms of minor amendments, really. However, there is a component within this bill that I wish to highlight, which I think is interesting to note.

Let me first just talk a bit about Bill 18 generally. Bill 18 makes a number of changes to the Business Corporations Act, the most important of which is to restore the disclosure rules, which is stated in section 7 of the bill. It repeals the provision that had placed restrictions on access to corporate share registers. It also

makes it more convenient for the public to inspect the records, which is stated in sections 5 and 9, and extends shareholder disclosure requirements to converted and continued companies, as stated in sections 22 and 29.

This bill, in addition to that — and I think it is worthwhile to note — makes it an offence for an extra-provincial corporation to contravene the Business Corporations Act and for a director or officer of an extra-provincial corporation to authorize, permit or acquiesce in an extra-provincial corporation contravening the Business Corporations Act, as stated in section 63.

What is interesting about all of that is that in fact what the government and what the now Minister of Finance are doing is correcting a mistake that the Liberal government had made back in March of 2004 when they introduced section 47 of the Business Corporations Act. At that time, when that bill was brought into the House, many observers had disagreed with its provisions, since it made it easier for people with questionable backgrounds to hide behind their companies and reduce investor confidence. Yet the former Minister of Finance, Gary Collins, plowed ahead and said this was the way to go.

That was introduced in March of 2004, and two years later we now have the current Minister of Finance coming back to say that was the wrong thing to do. In fact, what the government is doing is correcting a mistake the government made in 2004. So I do think that it is worthwhile to note that.

It's always good for the government to acknowledge mistakes when they make them, though it rarely happens. But I'm glad to see that it does happen. Very timely, of course, for the Apology Act to be in place, because I think it really speaks to the spirit of that — although I'm not talking about the Apology Act, Mr. Speaker. I am not; I promise that I won't go down that road.

So with that, though, I just simply want to say that we do support improving corporate disclosure and transparency. Again, this is an act that is heading in the right direction through removing the limitations placed on what corporate information was to be made public. It was wrong when the government brought that in earlier in section 47 of the Business Corporations Act that really provided for, I think, less accountability in these important matters. Now the government's recognized its mistake, and the Minister of Finance is correcting that. The opposition supports that direction.

**Mr. Speaker:** Seeing no further speakers, Minister of Finance closes debate.

**Hon. C. Taylor:** I move second reading of Bill 18.

Motion approved.

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

Bill 18, Finance 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. G. Abbott:** I call second reading of Bill 16.

[1925]

#### APOLOGY ACT

**Hon. W. Oppal:** I'm just wondering, in light of the somewhat comprehensive way in which I conducted first reading, whether it's necessary for me to go through the motions of second reading here. I've already enlightened the House as to the significance and the comprehensive nature of this bill.

I move that Bill 16 now be read a second time.

The Apology Act is a part of this government's broad strategy to make the civil justice system more accessible, affordable and effective for the citizens of British Columbia. This is the first legislation of its kind in Canada.

This bill is designed to promote the early and effective resolution of disputes by removing concerns about the legal impact of an apology. It has long been uncertain in the legal field as to what the legal effects of an apology are or have been. It has been held by some people or found by some people or is the opinion of some people that the rendering of an apology after a particular incident — after a motor vehicle accident, for instance — denotes an admission of liability on the part of the person who's rendering the apology. Courts have been somewhat inconsistent and uncertain as to how evidence of apologies ought to be interpreted, and this bill clarifies that.

It embodies principles recommended by various people. In particular I want to thank the hon. member for Vancouver-Burrard, whose very thoughtful private member's bill raised the public profile and raised the concerns and apprised the public about the value of an apology in the settlement of disputes. As well, I want to commend the many conscientious persons in the Attorney General's ministry who were ultimately responsible for the drafting of the act, but the hon. member for Vancouver-Burrard stimulated, by his energy, considerable discussion. I believe it enhanced the level of our consultation, resulting in an improved bill.

In addition, I would also like to credit the recent report entitled *The Power of an Apology: Removing the Legal Barriers* released by the Ombudsman, Howard Kushner, in which he recommends that public agencies should be able to say, "I'm sorry for what happened," without fear of any legal consequences. His report strengthened our resolve that enabling apologies would promote healing and reconciliation. Our bill reflects this input and is modelled on successful legislation in other jurisdictions.

I want to digress for a minute, in that there are other parts of the world in which the concept of an apology without an accompanying liability has been recognized. The Truth and Reconciliation Commission in South Africa is a perfect example of where an apology has taken place. A commission was established,

and there was evidence of mass apologies without rendering anybody legally liable or legally responsible. It's a form of cleansing, and it's an effective form of resolving disputes.

In the early 1990s I was the head of a royal commission on policing in this province. We heard from numerous people who came before us during the course of the inquiry who told us that if an erring officer or an erring official had come forward with an explanation as to his or her actions, they would not have proceeded further with the matter.

[1930]

I recall one evening in particular. We had a public hearing being conducted in the city of Vancouver, and two young women came before us. They were standing on Commercial Drive on a nice September evening. As they were standing there, two motor vehicles came to a grinding halt in front of them, and a number of men in jean jackets and wearing jeans jumped out of the vehicles and pointed guns at them and said: "Police! Get down on the ground." They immediately complied with the demands, and they went down on the pavement. Then the police said: "Stand up. Stand up." They stood up in compliance with the demands of the men who were there.

It became apparent to the attending officers that there was a case of mistaken identity. Both women obviously were distraught by that time. They laid a complaint. They came before our commission of inquiry and told of this horrendous incident that took place that traumatized both of them. Interestingly enough, each said that had the police at that time said they were sorry, that it was a case of a mistaken identity and that they were on the wrong street, nothing further would have been done.

[S. Hammell in the chair.]

Here was a case where the circumstances of the particular incident were particularly acute, particularly serious, in that they resulted in emotional trauma being inflicted upon two innocent citizens. They were quite prepared to forgive the officers in light of the fact that it was an honest mistake made.

I forgot to state that when it became apparent that there was a mistaken identity, one of the officers said: "Shake it off. This is something you can tell your grandkids about." That ended the incident, and it started a whole chain reaction wherein the women complained. Much damage was occasioned to the reputation of the officers, and all of that was needless.

It is with those types of incidents in mind that the government sought this direction in enacting this legislation. As we become more knowledgeable about the ways of avoiding litigation, in finding alternative ways to resolve disputes, it's becoming increasingly clear that a simple apology can go a long way towards resolution of a dispute.

Most reasonable people who are aggrieved in most circumstances will listen carefully to the aggrieving party, will listen carefully to the offending party and

will accept an apology. Often it will not result in any form of litigation or any form of legal proceedings, be it at an administrative tribunal or in a court of law. Often an injured person simply wants an explanation and an apology as to what happened to them. However, if an apology is not made at an early and an appropriate stage, positions can become entrenched. Protracted, costly and often difficult litigation can occur.

I was just apprised of an incident that took place here in the city of Victoria earlier this month. A Supreme Court trial was held. It involved two citizens — neighbours. One neighbour had apparently cut down trees that belonged to his neighbour. The act was wrongful. The matter ended up in the Supreme Court of British Columbia. Eventually a finding of liability was made, and a damage award was made in favour of the plaintiff against the defendant.

Interestingly enough, Mr. Justice Macaulay, who heard the case, stated in his reasons that the plaintiff, the aggrieved party, had said that he would not have pursued the matter through the courts had the offending party taken the time to apologize. We see that over and over again, particularly in disputes involving neighbours — disputes that are innocuous at their inception but that eventually can build up and result in litigation. Lo and behold, oftentimes they end up in the Supreme Court. That is not a satisfactory way of resolving disputes in a civilized society.

[1935]

For those reasons, this particular legislation is particularly constructive. It's particularly proactive. It is beneficial legislation that will be of assistance in resolving disputes for years to come in this province.

In 2002, hospitals at the University of Michigan health system encouraged their doctors to apologize for mistakes. That suggestion made by the health authority at the University of Michigan has resulted in a significant drop in medical malpractice lawsuits, and notices of intent to sue dropped significantly. In 2001 there were 262 lawsuits involving doctors in that jurisdiction. That number dropped to 130 by virtue of the directive, or the suggestion, to apologize.

There is no question at all that the significant and drastic drop in the litigation numbers is attributable to this policy of apologizing. I should also add that it preserved a very vital doctor-patient relationship, in that the patient who received the apology from his or her doctor was in a position to resume relationships with that doctor.

This Apology Act embodied in this bill is similar to the broader form of apology legislation that was enacted in 2002 in New South Wales as a part of their Civil Liability Act in that state, but it's the first legislation of its kind to be introduced in Canada. There are a number of jurisdictions in the United States — a number of states in their civil liability procedures — that have enacted similar legislation. All of them report that there has been a drop in litigation. More importantly, there's been a drop in the amount of acrimony and the amount of disputes that take place between otherwise decent people.

For that reason, this legislation is well worth pursuing. Apology legislation will make it possible for people to express contrition or regret about their actions or the situation without having those statements used as evidence of legal responsibility. That really is the second salient part of this legislation: that evidence of an apology made at the scene of a particular incident is inadmissible in legal proceedings.

That goes a long way because in the past, I know from experience in the courtrooms in this province, often one party or another would attempt to elicit evidence regarding an apology that was made — an apology that may have been made, for various reasons, after a particular accident or particular incident. Often that resulted in a dispute regarding the admissibility of that evidence. Should that evidence be admitted? Is it relevant to any particular issue?

Often one party or another would argue that if one party or another apologized then that was relevant and probative evidence that would go to the question of liability. The thinking was: why else would a person apologize unless he or she was at fault? The argument went that you only apologized if you were in the wrong. This act, this legislation, would put to rest that type of faulty reasoning.

[1940]

As members who have been in courtrooms.... The hon. critic will know that people often render and proffer apologies because they're courteous, because they're genuinely concerned about the welfare of another person who may be hurt in an accident. But that doesn't necessarily mean that the person who offers the apology is accepting legal responsibility.

Specifically, I think that the Apology Act will allow individuals, corporations and governments to offer an apology by providing that an apology does not constitute an expressed or implied admission of liability. It will make apologies inadmissible in legal proceedings, including disputes between arbitrators at administrative tribunals, or in voiding an insurance contract. That's often a statutory condition in insurance policies, wherein the insurer will stipulate in an insurance policy that if the insured renders an apology, that will make void the policy. This addresses that issue as well.

Because so many disputes are now being resolved by way of alternative means — by ADR, by mediation, by arbitration, by conciliation — the Apology Act and the provisions of this legislation will be applicable to those forums of alternative dispute resolution involving administrative tribunals and other alternative forms of resolving disputes.

It will encourage people to be involved in natural, open and direct dialogue when an injury has occurred. It will also promote people to take responsibility for their actions. An apology is much more about psychology, morality and culture than it often is about the law. Apologies are moral and humane acts that assist people who have been injured to heal and those who have caused injury to deal with the situation.

This legislation will ensure that the law does not create unnecessary impediments to the effective resolu-

tion of disputes or to the healing that is such an important part of this process. We are getting away from the acrimony and some of the negative parts of the adversarial process that embodies and is a part of our litigation process. This bill, this legislation, will address those concerns and will effectively assist in resolving disputes and assist in healing, assist in better relations between parties who have been involved in disputes.

**L. Mayencourt:** Well, I feel pretty good to be able to stand up here today and talk about the Apology Act. I want to thank the Attorney for his very thoughtful comments and his confidence in this piece of legislation.

One of the things that the Attorney is responsible for — and, of course, his ministry — is to look at some of the different ways in which we can move forward with law reform. I view this as being one such vehicle that is very, very valuable to us as a province. It's something that I know has sort of gone through the ministry for a little while. People have been discussing this. So I am very glad to be part of the process that brings this to fruition.

I've watched some of the work of the Attorney General's staff, and I greatly admire the work that they're doing on law reform. I had the chance to work on the working group on street crime. I've seen some of their justice review task force work, and I've got to tell you: the people that are in that ministry have done a tremendous service to British Columbians. One of those, of course, is the discussion about the bill that we are debating tonight.

[1945]

You know, in our communities, in our societies, we have placed great value on apologies. We know that when someone has been wronged, it is the right and proper and, as the Attorney said, the humane thing for us to do. It's something that just comes quite naturally to people, and we should allow it to come forward. Yet, for many, many years, because of countless legal battles and insurance claims and what have you, people have been stopped — stopped from doing what is natural, stopped from helping to create a healing situation, stopped from acknowledging their role in some incident that might have caused someone else some harm — and all because of liability.

As this discussion has moved through the last couple of years, when I've watched this happen, I've become convinced that this is something that is vitally important to our justice system. It's something that we need to do, and it's something that I think has been talked about on both sides of this House in its last iteration, when it was a private member's bill, and now, tonight, as we talk about it as a government bill.

You know, I think one of the things that really drove me to take a look at this was an incident that occurred right here in this chamber. I can remember a day when the then Attorney General, Geoff Plant, a man that I greatly respect and greatly honour, stood in this House to express some words of healing to the Sons of Freedom Doukhobors and their children who



had basically been taken away from them in the '50s and raised separate and apart from their families. It was a very terrible thing to see families taken apart, taken away from each other. The sort of mentoring and love and all the things that make up a good family.... That kind of got separated.

That was a great injustice to those individuals, so it was entirely appropriate for the Attorney to stand in this chamber to address that issue. When he did, he spoke of a government's regret. Now, I think for the people that were here in the chamber on that day, the folks from the Doukhobor community.... They came out of here and said: "You know, we didn't get what we came for. We were told that the government was going to say sorry, and we didn't hear that word at all. We heard regret."

Now, I don't know. I wasn't briefed by the Attorney at the time, Geoff Plant, nor have I been by members of the ministry now. But my suspicion is that there were some lawyers back there saying to the Attorney before he came out here to do that: "You can't say sorry. You just can't." Because what that does is set up an unreasonable liability for the government of British Columbia, which is not just the people in this chamber but the four million people that we represent in this chamber. Yet, it was the right thing for us to be doing. We knew it. It was moral. It was ethical. It was the right thing to be doing, yet we were stopped — stopped by a century's worth of law.

Similarly, we have seen opportunities with the youth that were at the Jericho School for the Deaf, kids who were placed in the care of adults, some of whom, unfortunately, abused those children. Once again, it was to government — not to avoid their liability or our liability, not to avoid paying compensation to those individuals, but rather because it was the moral and right thing to do.... We had the opportunity to apologize again, and we weren't able to do that.

There's something wrong in society when you can't say sorry for something that has happened without encumbering yourself or your province. I don't think that anyone in this chamber had anything to do with the taking away of the children from the Doukhobors or placing those kids in the care of the Jericho School for the Deaf or was involved in creating residential schools, for that matter.

[1950]

Yet by extension, because we are part of the government of British Columbia, the actions that took place in the '20s, '30s, '40s and '50s come to us, and we do have an obligation to acknowledge. We do have an obligation to share our feelings that this was an unjust situation, and the best way for us to do that is a couple of words: we're sorry.

A while ago a study was conducted with a group of patients and their families that had a medical malpractice situation. In that study the results indicated that 37 percent of those interviewed would not have commenced legal action if they'd been given a complete explanation and an apology. They reported that an

explanation and an apology were more important than the money.

In 1987 the Veterans Affairs Medical Center in Lexington, Kentucky, changed its approach to medical mistakes. It had some malpractice cases with about \$1.5 million in charges against it. They adopted a new policy and said: "You know, when we do something wrong — when one of our surgeons or one of our nurses or one of the people involved in the care of these people has done something wrong — it's right, it's just, it is the right thing to do to apologize." The approach was credited with reducing lawsuits, settlement costs and defence costs, and it meant that over the 17 years that were included in this study, only three of the malpractice suits actually resulted in court time.

Now, there's some value in that. First off, there weren't a lot of legal fees for those individuals. There weren't a lot of defence costs. There weren't a lot of things that were saved there, except that what they had is that almost 40 percent of the people who went through the system got what they wanted. They got an apology. When that apology was offered, there was an opportunity for them to participate in resolving the incident. They didn't just become passive people sitting beside their lawyer. They actually got the opportunity to say to whoever had done them wrong: "This is what I need to make it right." Who can argue with that? So there were some great, powerful things that were doing that.

Since I've got involved in this process of talking about the Apology Act, I've done a little research. There are places in the world where this has become quite the thing to do. I came across on the Internet the Sorry Works Coalition. It's a group of people that have gotten together and said: "You know what? When people say sorry, we don't have as many court cases; we don't have families breaking down; we don't have friends breaking apart; we don't have people feeling that they have to, I don't know, carry the hurt for years and years and years while they go through a lawsuit."

There are programs in Pennsylvania, in Colorado. They actually have legal courses on it to help people understand what is involved in apology and why it's valuable. I think that's a very powerful thing that's happening in our community. Just the discussion over the past couple of weeks or three weeks since this debate has started in this Legislature.... People across Canada have been phoning British Columbians, saying: "Wow, this is a pretty cool thing. This is the right thing. Maybe we should be doing this." Maybe there is a role for an apology in Alberta, in Ontario, in New Brunswick. Maybe there is some opportunity for us to take this lesson, learn something and move forward with something that's very, very positive.

[1955]

As I said, in the case of medical malpractice in California, for example, out of the apology act they saw a great reduction in the number of lawsuits that went forward for medical malpractice. Now, they didn't see a reduction in the amount of malpractice incidents. They didn't see a decrease in the number of malpractice

claims. What they saw was less time spent arguing in a courtroom over who was right and who was wrong. They saw people getting an apology from their doctor, from their surgeon, and coming to some peaceful resolution about remediating a problem. I think that it's really what all people talk about when they talk about apologies. They say that this is a good thing to do.

There are, as I said, some American states that have adopted the apology act and things like it. There are some that have gone quite far. Oregon and Colorado have adopted legislation that protects apologies that contain admissions of fault or liability. However, the legislation in those two states only applies to medical care.

In Australia there was something really interesting that happened when they brought in their apology act. It went from state to state to state, but now it's covered throughout the whole of the Australian continent. What they found there is that people did want to apologize, did want to deal with these issues. Where they used it in a most magnificent and powerful way was in dealing with the first people of Australia: the aboriginals. They saw this as an opportunity for great healing, not just between two people but for a whole nation.

In the year 2000, through the benefits of the apology act, Australia as a nation had a National Sorry Day. Hundreds of thousands of people from Sydney crossed the bridge under a big sorry symbol and walked together with aboriginals from across Australia in a gesture of apology, in a gesture of love and of healing. People still talk about that as one of the most powerful symbols of reconciliation that they have ever witnessed.

I've had the opportunity a few years back.... In 2004 I worked on a committee of volunteers that brought the Dalai Lama to Vancouver. I had the opportunity to work on that visit and be with the people that were organizing it, be with the people that were speaking, and I got to meet Archbishop Desmond Tutu. We were at a ceremony at Christ Church Cathedral where Desmond Tutu, Shirin Ebadi, the Dalai Lama.... Yeah, it was just the three of them. I'm sorry because there was.... Václav Havel had phoned in sick. He couldn't make it.

They were there to receive honorary doctorates from SFU and UBC, and Desmond Tutu took to the stage, and he started talking about the Truth and Reconciliation process in South Africa. He chaired that committee on behalf of Nelson Mandela. What he did was he took a group of ordinary Africans around the whole of South Africa. He went to villages and shanty towns and to big cities, and he allowed people to come forward and talk about the incidents that they'd been involved in.

They had policemen that came forward and, in tears, confessed to a village that they'd been involved in a bloody fight that was unnecessary, that took the lives of many people. What he really talked about was the sense of forgiveness, because there was some honesty. In the moment of saying sorry, there was some honesty, some sincerity that really mattered to all the members of that community.

That's a very powerful demonstration of the power of an apology, and something that I will never discount. Something that I think we sometimes forget in life is how simple life can be if you do what's right; how easy things can be.

[2000]

This will not ever change whether someone is legally liable for an action one way or the other. See, the apology cannot be used as a way of saying to a judge or in a court proceeding: "Well, hey, I apologize. Therefore, I shouldn't be as liable." No, it won't work that way. Nor will it work the other way: "Well, you apologized; therefore, you must be guilty of something."

No, this is a neutralizer. This allows people to say what is good and natural and humane and just, and then we'll deal with the liability issue later. We'll deal with those issues, but today what we're going to deal with is acknowledging, apologizing and asking someone for forgiveness and then moving forward so that all parties are healed and made whole.

You know, there are lots of things that speak in favour of this. This legislation could help us avoid litigation and encourage the early and cost-effective resolution of disputes. It will encourage a natural and open and direct dialogue between people after their injuries. It will encourage people to engage in the moral and humane act of apologizing after they've injured someone and to take responsibility for their actions.

Now, there are some negatives, you know. For example, let's say someone apologizes for something and then they go before a court, and you know, the sentence isn't viewed by the public to be fair or just. That could cause some confidence to break down in the system. But I've got to tell you. I've been in many courtrooms....

As members in this Legislature will know, in 2001 a young girl in Stanley Park was savagely attacked, beaten, strangled and left for dead. Her name was Ji-Won Park. Today Ji-Won Park is a paraplegic. She will never talk or walk or feed herself, but she's a wonderful young lady. I visit her often, and I've worked with the family on a number of items. I remember being in the courthouse with that family when her attacker, just before he was being sentenced, turned to her and her family and said: "I'm sorry."

Now, I was watching that, and I went: what an insult. Two years we've been sitting in this courthouse, and today, just before the judge says he's going to put you away, you say sorry. I thought to myself.... I didn't want to be judgmental, but inside of me my heart said, you know: the bloody nerve, the nerve. That's not right. Why didn't you say that two years ago?

It occurs to me that when someone apologizes immediately or quickly or in a timely fashion, it's really viewed as being more sincere. But I've got to tell you. Ji-Won Park and her mother Jackie Lim and her brother David Park forgave the attacker that day. I thought to myself what.... You know, we have great capacity in life to be understanding as long as someone can be honest with us. I see such power in the things that we're talking about.

I'm not alone. The Ombudsman in his report, which the Attorney spoke so eloquently about, talked to us in his annual report in 2004. He talked about some of the issues that came up. One of them was a special report that he created that year, report No. 38, *Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children*.

In March 2002 when Geoff Plant stood in this chamber and apologized to those people, I noticed, they noticed, Geoff noticed and many others noticed that it wasn't an apology. The Ombudsman noticed it, too, and so he asked his staff to review the concept of an apology act as a way to remedy and offer hope to people that were affected — in this case, the Sons of Freedom Doukhobors. He spoke quite eloquently about that. I'll quote from what the Attorney General said:

[2005]

We've recognized that a chapter in this province's history needs to be acknowledged. More than 50 years ago, 104 Sons of Freedom Doukhobor children were removed from their parents during a period of protest in the West Kootenays. In 1953 some 104 children were taken by bus to New Denver, where those of school age were kept in a residential care facility and those who were not of school age were returned to their families. Over the next six years, from 1953 to 1959, the government enforced a policy of mandatory school attendance. Approximately 200 children were placed in the New Denver institution during this period....

No doubt the New Denver experience affected these children and their families in profound ways. In many cases these children were kept from their parents for extraordinary periods of time. Some children were not allowed to return home during the summer or at Christmas because of uncertainty that their parents would return them to New Denver.

This was not an easy story to hear, nor is it an easy story to tell. I commend all those who came forward after all those years to talk about what must be extremely personal and painful memories. Many of these people, we have since come to learn, have buried their past, and they even felt it necessary to hide their Sons of Freedom background and their association with New Denver from their friends, their neighbours and their employers....

We can't fully understand or explain the motives of a government of 50 years ago. We can, though, recognize the circumstances under which these events occurred and acknowledge how these things might have been done differently if we were to do them today....

We recognize that as children, you were caught in this conflict through no fault of your own. On behalf of the government of British Columbia, I extend my sincere, complete and deep regret for the pain and suffering you experienced during the prolonged separation from your families.

I'll stop there, because at that point the people that were up there listening in the chamber realized that no one was going to say sorry. No one was allowed to say sorry. That is something that I know touched all of us, because it just wasn't what we wanted to do. What we wanted to do was to start the healing for those children.

In October of last year, shortly after I introduced the bill for the first time, I met with the Ombudsman,

and we talked very much about the power of apology and how important it was and why I was bringing the piece of legislation forward.

I had the opportunity to meet with a young fellow by the name of Simon Owen, who is a student articling with the Ministry of Attorney General who wrote a paper called "A New Room in an Old House." In that he talks about the nature of apology and what it does and how important it is. It talks about how it gets way beyond all of the pain that someone might feel. This was applying it to criminal law, and we're talking here about some civil items and what have you.

What I came to, in talking with Mr. Kushner about this, was that I was right to try and bring forward this legislation, that this wasn't just some novel idea that came from nowhere. He recognized the importance of it, and he did some very extensive research. He talked to the people in New South Wales and in other states within Australia.

In February of this year he sent out a report, *The Power of an Apology: Removing the Legal Barriers* — and this was referenced by the Attorney just a few minutes ago — in which he called for apology legislation. He says: "My experience as Ombudsman has demonstrated to me the power of an apology in settling disputes. However, too often I hear from public agencies that they will not apologize, for fear that their apology will be used against them as acknowledgment of liability in any potential civil action."

Just think about that. Someone that's working at the Ministry of Health that made a terrible mistake and wanted to apologize was being stopped. Geoff Plant was being stopped. People that were apologizing to the children of the Jericho Hill School for the Deaf were stopped. Over and over and over again we were stopped from doing what was right and what was natural — an awful thing to have to do.

[2010]

I think about the great civil servants we have in British Columbia, and I know they do the very best they can, just as every member in this House does the very best they can each and every day. But we're human, and we will make mistakes. Those mistakes will cause somebody some harm, and that harm can fester for years in the heart and in the mind of the person that was wronged. It can fester and simmer inside the heart of the person that did the wrong, or we can blow out the windows. We can stand up and say: "You know what? I wronged you, and I'm sorry."

That's a really powerful, powerful moment. It is as powerful for the sons of Doukhobors as it is to someone that was wronged by a Ministry of Human Resources person, as it is for the people in the shantytowns in South Africa. I think this is something that we have to really recognize is important.

The Ombudsman says that if a public agency has treated someone wrong, they should be able to apologize. There shouldn't be a penalty for saying that. There shouldn't be an admission of liability. They should just be able to say: "I'm sorry that happened." Our public service employees are frequently advised

and discouraged from issuing an apology, and we know that in many cases this is something that moves people forward.

I could probably talk about this for a long, long time, but I know there are many members in this chamber that feel a passion for this and want to speak to it. But I would like to speak to you of one last thing before I finish. Our Ministry of Aboriginal Relations and Reconciliation was named that through no mistake. The Premier decided that we were going to take a new approach, a new relationship with first nations. Already I have seen the healing that has come just from those words.

I can imagine a day when British Columbia has a national day of sorry, when first nations from every village, from every band in British Columbia and British Columbians — non-natives from every community — come together in a provincial march of reconciliation. I think that is something worth striving for. I think that is something we can accomplish. I think there is enough goodwill in our province to allow for that to happen. Members in this House can help make it happen today by supporting the Apology Act.

**J. McIntyre:** I rise this evening to support this act, I'm very proud to say — especially when I heard the Attorney General mention this evening that this was historic, that it was the first time in Canada that a jurisdiction is bringing in such an act. I think it's very important for all of us — and probably I can speak for us — that we stand here with pride to be able to bring in such an important act.

I think that something that allows a sincere apology to play an effective role in the dispute resolution process without fear of legal liability is a huge step forward. I have been very supportive of society's move to mediation, looking at alternate forms of dispute resolution and arbitration — the way we seem to be moving as a society; it's a very good thing — instead of getting into protracted, adversarial legal battles. The idea of now having a new tool to be able to use as we move forward in things like dispute resolution, I think, is very, very important. And I believe now that we have a real opportunity to legitimize the value of an apology in the resolution of these civil disputes.

[2015]

I also understand from my reading and from the comments of other members this evening that there will be, as expected and as has been in other jurisdictions, a decline in the number of protracted, costly legal disputes. I understand that that does affect a significant number of legal cases, and as the member for Vancouver-Burrard mentioned, it seems that in many, many situations the plaintiffs simply wanted to hear an apology. "All I really wanted out of this was an apology." They wanted to hear the words: "I'm sorry." They wanted to hear "sorry."

Not to make light of this, in thinking about this, this evening, I was reminded.... I don't know whether any of you used to watch that show *Happy Days* on television that parodied the '50s, but there was a character

that was very well known called the Fonzy, who was the biker. All I can remember.... The running gag was that he could never say sorry. It was always, "I'm s-s-s-s," and he could never get the word "sorry" out. It was sort of a recurrent theme. As I'm sitting here this evening, I'm thinking: you know what? That told volumes about his character in the TV show.

It also said to me that those people who actually do have the courage and ability to say sorry should be able to. They should be able to say that in legal situations. They should be able to say that in a situation where they've perhaps caused harm — maybe, many times, inadvertently. But they caused harm, and they should be able to say sorry with impunity. They should not have to affect their liability in situations like that.

I was also very pleased to hear that this bill may have special relevance to medical malpractice suits. When we think about that — I know that probably the American experience is different from Canada — the ability to reduce both the number.... And imagine the costs. When you hear some of the numbers of dollars that are involved in medical malpractice and the insurance rates that our physicians have to pay, if we're able to lower those costs and not get into these protracted legal disputes simply by virtue of offering apologies when it's necessary, I think that's also a huge benefit.

It also applies equally to individuals, corporations and governments — the ability to offer a sincere apology without expressed or implied admission of guilt. Just think of that for a moment. Think of the many situations that government and also business.... The ability of business now to make an apology. How many of us wouldn't like an apology from businesses and corporations? I think it just has huge and broad implications, and this bill now clarifies the value of that apology.

There are also some safeguards, as the speakers before me have pointed out. Of course, this applies to civil proceedings, not criminal proceedings, so we're not going to be involved in getting ourselves immersed in criminal situations.

Also, since it is not an admission of liability, an apology does not void, impair or affect insurance coverage. The liability in those situations continues to be determined by the facts of the incident, not by an apology. Again, think of that. Think of the numbers of times we've been involved in insurance disputes where an apology might have a positive impact. It's neutral, as the speaker before me mentioned.

I really think and hope, actually, that all in this House will think that a bill that not only allows but that may also, in fact, promote apology — which, as we've talked about, is a humane, moral act — and that simultaneously makes justice more accessible, more effective and more affordable is certainly worthy of unanimous support.

Just before closing, I'd like to thank the Attorney General, and I thank my colleague the member for Vancouver-Burrard for all his efforts in raising awareness of this issue and for his contribution to this bill. I will be supporting it.

**R. Hawes:** Like my colleagues before me, I, too, stand to support this bill. I, too, would like to thank the member for Vancouver-Burrard for first introducing it as a private member's bill and the Attorney General for seeing the wisdom in that and bringing it forward as a government bill. This is groundbreaking. This is the first time in Canada, so I think the congratulations are well due, and I'm happy to give them.

[2020]

As I think about what was said by the previous speakers.... They've talked a lot about the value of an apology to the person who receives it, to the person who's been wronged.

[S. Hawkins in the chair.]

You know, there's also some value to the person giving the apology — the person who has a pent-up feeling of something wrong and has been unable to enter the simple act of saying: "I'm sorry." There is something cleansing about that. So this is a very important bill from the standpoint that it allows both sides to receive and give an apology without any real liability.

When you speak about the cleansing.... I sat here, and I looked down at the members opposite, particularly the ones who were here prior to the year 2001, and I thought about the things that I know they're dying to apologize for. Really, when this bill passes, I am convinced that...

Interjections.

**Deputy Speaker:** Order, members.

**R. Hawes:** ...there's going to be a rush from the opposition benches to get to microphones all over this province to apologize for the things that happened to us in the 1990s.

I think about when I was a mayor of a small city through the '90s...

Interjections.

**Deputy Speaker:** Members. Order, please. The member has the floor.

**R. Hawes:** ...and I think about, for example, a promise. We used to receive grant money from the province for the cities. I recall a cut in grants and a promise — an absolute promise made by the Premier of the day, Premier Clark, saying: "We'll just establish a benchmark. There will never be another cut in grants." Well, that was until the following year, when for most cities grants were removed in their entirety.

I know that there are members here who would want to apologize to all of those cities for breaking their word the way they did in the 1990s. I know....

Interjections.

**Deputy Speaker:** Order, members, please.

**R. Hawes:** I'd like to thank the member for reminding me of that.

As the Canadian Centre for Policy Alternatives has said, the biggest cut in care beds in the history of this province occurred during the 1990s, at a time when care beds were in terrible condition all over this province and absolutely ignored. When we took over as government in 2001 and took inventory and found we had seniors living in deplorable conditions, we had to spend an awful lot of time and money fixing what was left for us.

I know those members opposite are going to be screaming to get at microphones to say to the seniors in this province: "We're sorry. We're sorry that we ignored the coming crisis of the aging population. We're sorry that we didn't embark on a building program throughout the 1990s."

Interjection.

**Deputy Speaker:** Order.

**R. Hawes:** I know there's going to be an apology for the doubling of the debt during the 1990s. That money was all spent, basically, on operating expenses, on deficit financing. I know that there's going to be an apology coming to the people of this province for the state that the economy was left in.

**Deputy Speaker:** Member. Please keep your comments relevant to....

**R. Hawes:** I think this is relevant to the bill, Madam Speaker.

**Deputy Speaker:** Member, just keep your comments relevant to the bill that's in front of you.

**R. Hawes:** Then I'll just speak about apologies and the power of being able to apologize for things and the cleansing benefit that that will have for all of those members. I know that their souls, once they bare them, are going to be.... They're going to feel free, free at last, from the terrible burden they've been under, the burden of shame for what happened during the 1990s — for fast ferries, for Skeena Cellulose.

Someone needs to say in this province: "We're sorry for putting hundreds of millions of dollars into a clunker of a mill that couldn't possibly do anything. We're sorry because we wasted that. You know, we're sorry."

Finally....

Interjection.

**R. Hawes:** There was an apology. This government made an apology, and paid with money, for the Kordyban situation, where timber was taken away — a licence to cut timber was taken without compensation — and a family was nearly destroyed because of it.

I think, finally, that an apology could be made by those members. Somewhere I'm hoping that we will see an apology for all of those things. It will be cleansing for all of us.

[2025]

With that, I'm going to let the next speaker get up and speak. I'm very happy to support this bill, and I'm very happy that I know we are going to be hearing some things from the opposition very shortly.

**M. Farnworth:** I'll start by saying: I'm sorry. I'm sorry that I'm going to disappoint the member for Maple Ridge–Mission. I want to touch on the serious side of the bill for a second, because I think there is one. I also want to address some of the points the member has raised.

In his remarks he actually makes a very interesting point, and that is the value of an apology. That's something that has been a thread in common since the very first speaker here: people are often hurt or injured and seek some form of redress. In many cases what they really want is an apology, an explanation. They want to know that there is some sense of contrition — a recognition of the hurt or injury that has been done by a particular action.

One of the problems in our legal system is that, too often, when you do that, there is an admission of liability. There is an admission of guilt and, hence, a reluctance to offer that apology, which in many cases is all the individual wants. It's not compensation. It's not punitive damages. It's an apology.

It's such a basic part of society. Something that is instilled in us, right from our first experiences as a child when you have done something wrong, is: "I'm sorry." It is heartfelt; it recognizes the injury that has been done. Who in this room cannot remember, as a child, having done something and disappointed their mother or father? The words "I'm sorry" go a long way to fixing the problem. Somehow, when we become adults, it has been lost — in part because of the basis of our legal system, in part because of the way our society functions, and the rules and the laws that govern that.

I think that this piece of legislation goes a long way in recognizing the power of an apology and the ability to redress wrongs that would otherwise, possibly, escalate into costly and time-consuming legal battles. At the same time it doesn't take away from the rights of the individual who feels that there does need to be something more than an apology, who feels that there does need to be redress. So I think this is a very civilized thing to do, and that's why I'm happy to stand and rise to support it.

Having said that, I also recognize what my colleague the member for Maple Ridge–Mission commented about: governments can apologize. There are many things that governments can or should apologize for, going right back to the 1870s, since this province entered Confederation, and working its way through the '20s, '30s, '40s, '50s, '60s, '70s, '80s. The member points out the '90s. He conveniently stops in 2001 and, somehow, thinks that maybe there are not things to apologize for since 2001.

[2030]

In the spirit of bipartisan cooperation in terms of support of this bill, I think it's only fair that I point out to him some of the things that people in the province may feel that the government since 2001 should apologize for. I'd like to go through some of those a little bit. I know that right now there is scintillating discussion around Education estimates taking place, and I know that it will wrap shortly. While that is currently underway, I'd like to remind some of the members of some of the things that there might need to be apologies for.

I could start with, you know, cuts to legal aid that took place. I could start to mention some of the things that happened on — I think it's referred to as — Black Thursday. I was in Bulgaria at the time. That day even reached me over there, surfing for the news back home, and the headlines were full of something referred to as Black Thursday that resulted in all kinds of cuts taking place, whether it was cuts to legal aid, a \$40 million cut to child care, the issue around contract settlements with doctors and Crown prosecutors. I think they may be looking for an apology, if we're talking about things that government may want to apologize for.

**Deputy Speaker:** Member, I did remind the previous member about relevance. I would ask the member to keep his comments relevant to what the issue is in the bill.

**M. Farnworth:** I thank the Speaker for that. I am being relevant when I say it, because I'm framing these comments in the context of an apology and how people react to that. I think, you know, that the closure of women's centres, for example... An apology to the people affected by that would go a long way to recognizing that there is an acknowledgment by government of the importance of women's centres in this province. The issue around the 15-percent pay cut to HEU workers — I'm quite sure many of them would say that...

**Deputy Speaker:** Member. Again, I would ask the member to please keep comments relevant to the issue in the bill. Members have had a chance to look at the bill and know what the issue is in the bill. So it would be appreciated to keep your comments relevant.

**M. Farnworth:** Thank you, hon. Speaker. I am framing my comments, and I am mindful of the Speaker's...

Interjections.

**Deputy Speaker:** Members. Order, members. Those members who are not in their chairs should not be speaking. You're not recognized.

Member, please continue.

**M. Farnworth:** Thank you, hon. Speaker. I am sorry. I am not trying to skirt the issue in the bill. I recognize the member's comments, and I am making them pertinent to the bill. I am mindful of the time. We have,

I think, about seven minutes left. My comments are being framed in that context.

It comes back to that fundamental issue: is there recognition by the party that is doing the aggrieving, who has committed some offence, either accidentally or purposefully, of the hurt or the damage that they have done? That can be an individual. It could be, again, a case of government having done something that has injured or hurt people, whether it is an issue around policy, for example — around health care policy, perhaps.

On the number of long-term beds that the government is making, governments may, before an election campaign, apologize that they haven't reached that target, but say that they will try and do better the next time — in much the same way, you know, that your child may have done something wrong and said: "I'm sorry, and I will do better next time. I will try and get better grades in the next semester. I will try and do a better job."

[2035]

I know there's levity in the point I'm saying, but I think what I'm trying to say and the point that we're trying to make is that the power of an apology is important — right? This piece of legislation does go a long way to making a fairly significant change in how our judicial system and legal system function in terms of the ability to seek redress and to recognize that for many people, that's all they require.

You know, I've made a number of comments. I've tried to address the serious aspect of the bill, the changes that it's making, but at the same time recognizing, I think, in the same spirit, as I said before, of bipartisan cooperation that there is on this bill, that in the same way that faults, perceived or real, can be pointed out by one side of the House that — you know — those faults, perceived or real, can be pointed out by this side of the House for years that the member did not want to talk about. I hope he appreciates the spirit in which those remarks were made.

I'm mindful, hon. Speaker, of your comments around the pertinence of being relevant to the legislation.

I think that with that, I will take my seat. I yield the floor to the member from Powell River-Sunshine Coast. Unfortunately, I have to say to the members opposite who were expecting some more that I'm sorry I'm not able to elucidate further some of the things I think they may wish to be sorry for.

**Deputy Speaker:** I'm sorry to correct the member, but it is now the member for Port Moody-Westwood.

Interjections.

**Deputy Speaker:** Port Moody-Westwood has the floor.

**I. Black:** I'm sure Powell River is a beautiful place to be, but Port Moody-Westwood happens to be my home, and it's from that base which I speak at the moment.

**N. Simons:** You're always welcome.

**I. Black:** Thank you. I'll come and visit.

I wish to bring the focus of the conversation back to the true focus — and with all respect to the previous speakers — the importance of this particular piece of legislation. Let me start by offering my congratulations, appreciation and, indeed, my respect to the member for Vancouver-Burrard who brought this matter with great faith to this House, and also to our learned Attorney General who is, of course, bringing this bill forward to take it into legislation.

I would offer my personal perspective on this particular bill — and, indeed, I would also offer my endorsement — through the eyes of a company president or CEO of both public and private corporations, a public company director, where you are no stranger to having to spend a great deal of money, often much more money than we would like, on lawyers. It goes with the territory. I've seen, through that process, a great clutter of communications start to happen, because when you get into issues of dispute, particularly in areas of business law, everyone seems to get very afraid to talk and everyone seems to get very guarded as tempers rise, except to hear the phrase, on occasion: "On the advice of counsel, I'm not saying much more."

One of the rules that I've developed or learned to live by through the course of my career is what I call the 80-percent rule, and it goes something like this: 80 percent of all problems that we have as humans, particularly in the area of business, are caused by bad communication; and 80 percent of all business problems can actually be solved by good communication.

Unfortunately, in the way our system works today and our inability to use the words "I'm sorry", we don't get a whole lot of that communication, which is one of the reasons I stand so firmly in support of this bill. We have at the moment a situation and society where, for all the long drawn-out conversations that ultimately end up in litigation in front of the courts, only the lawyers seem to win, and with all respect to the legal profession, I don't believe that ultimately serves the greater good of society.

[2040]

Our inability to communicate leads to a rise in tension, a raising of the stakes as business people try to resolve their matters and get more entrenched in their position. It allows for egos to get involved in the mix, which only exacerbates the situation and, indeed, raises the costs on both sides to try to settle disputes, which is very ironic, of course, when very often in the case of a business dispute you are fighting over money in the first place.

Much has been said tonight about the human element involved in various legal disputes and how the acrimony and the adversarial nature of litigation is inherent and very present in our current system. I think we have to be mindful of the ability of an apology to defuse a lot of that situation. The apology has the ability to express a statement of honest regret or remorse. Taking it from the very impersonal nature of business

to the very personal nature of one's family, I think we also can't lose sight of the example that we have to set as leaders in our community, whether it is as business leaders or political leaders — or indeed, as parents, in the example that we must set for our children.

The relief and elimination.... Or at least, helping to head off the inevitable conflict of two parties is something that is provided for by this bill. The other thing, from a civic law standpoint — it also gives an exit ramp, if you will, for many malicious or vindictive lawsuits that ultimately end up in front of our courts. Ultimately, this will free up our courts to focus on those situations or those disputes where the only recourse is going to court is expedited, and it gets there a lot faster. Those involved have got a clearer and shorter runway available to them to ultimately see what they need to come to them by way of justice.

Let me conclude my comments and my statements of support for this bill by saying that this bill will allow us to focus our judicial resources on the cases that were ultimately destined for courts in the first place. It will provide legal relief in a more timely and, indeed, a more just manner.

Finally, from a societal standpoint, it will provide emotional relief for those men and women most often in a very disadvantaged position to begin with who just wanted to hear those powerful words that we teach our children and that we must learn to use more ourselves, which are "I'm sorry."

**N. Simons:** Not to belittle this very important act, I apologize for my heckling earlier. It's late in the evening, and that happens.

However, I would like to rise and speak in favour of, originally, the bill of the member for Vancouver-Burrard. It took a while to get that out. I believe that one area that we haven't talked about in relation to this particular act is the way that apologies work — I've worked in first nations communities for the last nine years; how apologies are a powerful tool; how they serve to begin the healing process.

I'm about to be cut off but....

[Mr. Speaker in the chair.]

It is a simple part of the process, when someone feels wronged, that an apology begins the process of healing. It is essential for that healing to last and to feel relevant if the apology is made.

Now, I'll get the signal from Mr. Speaker, I'm sure, when it's time to wrap up.

I just want to say that this bill will in fact go a long way to reducing the reliance on courts to adjudicate right and wrong. But more importantly, on a personal and societal level, I believe this act reflects what our communities need — without having to wait for years and years to get an apology, to wait for a finding of fact in law to get an apology. An apology can actually begin that process, and of course, it won't negate the opportunity to seek legal redress as well.

I think that the balance is struck. I just want to make sure that the members opposite know that we don't want to demean the purpose of the act. It is not just to throw apologies out randomly in case someone feels offended by something we say or do. It is actually to reflect the seriousness of the relevance of an apology. I think that we all have the same interests at heart. We have different ways of achieving those interests, I'm sure, but the differences aren't as deep or as defined as we sometimes let on.

[2045]

I think that in this particular case, there will be widespread support for this act, if not unanimous. I'd just like to be on record thanking the member opposite for presenting this as a private member's bill. It's about time. Congratulations for bringing it to this stage.

Noting the time — no, not noting the time. I didn't look at the clock once so I haven't noted the time. Having said that — now that you all know that I don't know what time it is....

[Laughter.]

Yeah, I know.

I will cede the floor to the member for...

**Some Hon. Members:** Langley.

**N. Simons:** ...Langley. Thank you, Mr. Speaker. I apologize for that.

**M. Polak:** Thank you. I accept your apology for forgetting my riding name.

There's been a bit of chuckling and some good humour, I think, shared in this House while we've debated this act. I want to touch a bit on the more profound nature of this.

A part of it, I think, really belongs to the member for Vancouver-Burrard. It is probably not surprising to any of us to find that yet again this member finds himself at the cutting edge of legislation and the cutting edge of what we as legislators should be thinking about as we attempt to do the best job we can for the people of British Columbia.

Certainly, we are here to do more than administer. We are here to inspire. We are here to lead, and what more important way could we be leading but in a very human endeavour — that of recognizing that we are all equal in one very important way? We have all had the experience of making a horrible mess of things from time to time, and we've needed a way in which we could come out of that.

Noting the hour — I do have more to say on this matter — I would move adjournment of debate.

M. Polak moved adjournment of debate.

Motion approved.

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

Hon. G. Abbott moved adjournment of the House.



Motion approved.

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

The House adjourned at 8:48 p.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); J. Nuraney in the chair.

The committee met at 3:06 p.m.

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

**Hon. S. Bond:** I would also, at this point, like to entertain and put on the record some information about an issue that was raised by a member opposite yesterday.

Yesterday one of the members opposite gave an example, in a discussion about class size, of a grade four-five split class in Discovery Passage Elementary School. The member made the comment that in that class, there were two children with cerebral palsy, one with attention deficit disorder, another with ADHD — which, as members would know, is attention deficit and hyperactivity disorder — a child with a grade one reading level, a child with an organic brain injury and five students listed as having special needs on the annual enrolment form.

The member said that this class, including the 11 students with special needs listed above, had a class size of 29, that there were two other Korean students coming to the class shortly, and that there was one other student present who was 38th on a wait-list for an assessment by school psychologists.

Like the other examples that we continue to hear about, it's absolutely essential that when we hear that kind of information.... As I suggested to the member opposite, that discussion could well have taken place at the school level before those comments were made in public. So as I committed to, I went and asked the district to clarify the information. Like the example brought the previous day, the information we bring back is quite different from the information that was presented.

The school in question is a small K-to-six school with 114 students in the entire school. There is a grade four-five split class with 29 students in it. There are

three low-incidence students and one high-incidence student with special needs in the class, not 11. There is a full-time educational assistant assigned to that class to assist the teacher. There is also extra teacher time and support assigned to the class by the district. There are no new Korean students expected to enrol. There is no wait-list for assessments. Students are assessed according to priority of need. That's what we would expect to take place, not by the date they are referred for assessment.

The principal and the superintendent have reassured us and are confident that this information is correct and that learning conditions are appropriate.

Hon. Chair, we simply read that into the record to recognize that the important thing, when we're discussing class size, is to begin first and foremost with a discussion at the local level and then to present the classes in the context in which they've been created.

**J. Horgan:** I thank the minister for her response. I believe it was the member for North Island that raised this issue. I'm certain that she'll be reviewing the *Blues*, and if there are any further issues she wants to discuss with the minister, she can take that up before we conclude the estimates.

**G. Robertson:** I would just like to start off with some questions on Success By 6, following up on the line of questioning that my colleague the member for Coquitlam-Maillardville was asking yesterday.

Yesterday the minister told my colleague that the Success By 6 program is funded, in part anyway, by the Ministry of Children and Family Development. It is a budget item for MCFD. I'd like to confirm with the minister again: does the Ministry of Education fund the Success By 6 program?

**Hon. S. Bond:** No, it does not.

[1510]

**G. Robertson:** It's a little odd to me that the answer is a flat-out "no" here. On page 9 of the Ministry of Education's service plan there's a reference to Success By 6 as an example of a program that will improve outcomes for early learners. My question is: why does the service plan refer to these programs if they are not a budget item of the Ministry of Education?

**Hon. S. Bond:** Part of the responsibility of this ministry is actually, under its new mandate, the whole range of options — including early learning and early literacy. So we were referencing an excellent program. The fact of the matter is that the budget line belongs to MCFD.

**G. Robertson:** In the Childcare estimates that were held here last week, we learned that this government does no longer fund Success By 6. I'm curious why several ministries, and this government, continue to

refer to the program in their service plans if it's no longer receiving provincial funding.

**Hon. S. Bond:** The member opposite would have to canvass that question with the Ministry of Children and Family Development.

**G. Robertson:** That question was asked of the Ministry of Children and Family Development. My question, and that of my colleague yesterday here, was confirming whether or not the Ministry of Education is funding Success By 6. There are a lot of references to this program. Indeed, this ministry was given responsibility for early learning and literacy. Many of the programs in Success By 6 have an early learning component. There's obviously a reason why there should be involvement of the ministry, and yet there is no funding.

It doesn't make any sense to me why there would continue to be references to the Success By 6 program when in fact these programs have nothing to do with the budgets of the ministries. Can the minister confirm why the ongoing references exist in the service plan when they are not budget items?

**Hon. S. Bond:** We're happy to celebrate the excellence of projects and programs all across the province. I talk about programs, on a regular basis, that add incredible quality to people's lives and support to students. Success By 6 happens to be one of those.

In fact, the language that is used in our service plan says: "In partnership with the Ministry of Children and Family Development...the Ministry of Education works to improve outcomes for early learners through programs, initiatives, supporting families and raising awareness." Examples given include Success By 6 and Raise-a-Reader.

**G. Robertson:** Again, there's a reference to a series of organizations serving as examples of collaborative community groups that provide early learning initiatives. Judging by the amount of praise that the Minister of State for Childcare gave to the Success By 6 program last week in the estimates debate, I find it difficult to understand why this organization is not listed as an example there.

My question to the minister: has Success By 6 participated in any projects with the ministry through early childhood development planning tables, consultations or any other kinds of initiatives?

**Hon. S. Bond:** Success By 6 is a program that actually is developed in partnership with the United Way across the country, not simply in British Columbia. In fact, they exist in communities across the province. I am delighted to reference programs that do a great job. That's part of being an advocate for public education and certainly being an advocate for early learning work that is excellent. We referenced it because it's an excellent program. The budget line remains an item with the Ministry of Children and Family Development.

**G. Robertson:** The Minister of Education, having responsibility now for early learning and literacy.... In light of that, is the ministry participating in any projects with Success By 6 directly?

[1515]

**Hon. S. Bond:** The Ministry of Education does not have a formal or direct relationship with the Success By 6 program, but certainly they are a collaborative organization. It's a program that works throughout communities in different ways. We're delighted to share the good work that they do, but we have no formal relationship with them.

**G. Robertson:** It strikes me as peculiar that references.... Although there's every reason to support the work of great community organizations — and Success By 6 is certainly an outstanding program — and the ministry having no budget lines involved.... There's no support directly in terms of funding with Success By 6 and, in fact, no direct relationship to support the community organization Success By 6. There is no formal relationship in place. To be including organizations like this in the service plan seems like a bit of puffery at this point.

I am curious how organizations like Success By 6 — whose programs span child care, early childhood development and early learning — have been affected by moving the responsibility for early learning into the Ministry of Education.

**Hon. S. Bond:** We've heard some wonderful things about the fact that this is a government that recognizes that learning starts from the day of birth. We need to be looking at a comprehensive approach to helping our students. We know that by focusing on those early years, we're going to help our students be much better prepared when they're ready to arrive at kindergarten. So we think it's appropriate. We think it's actually exciting that it's where it is now.

Obviously, when there are changes, people have.... It takes time for them to adjust to that, but we've had very good feedback. We continue to consult and work on a comprehensive strategy, together with the Ministry of Children and Family Development and other ministries across government.

The other comment I should make in regard to the member opposite's previous question.... There may well be school districts that are involved on a community level with Success By 6, but in terms of the ministry and a formal relationship, there isn't one.

**G. Robertson:** I am going to turn my questions at this point over to the subject of career technical centres — the CTCs around the province. Can the minister please tell us generally about the CTC program?

**Hon. S. Bond:** I can certainly talk about it generally. Career technical centres have added an incredible array of choice for students across the province. We have, in my personal view, a great career technical centre in my

own riding of Prince George. In fact, I was the school board chair when it was created, so I'm quite familiar with them.

It allows students the opportunity to gain dual credit, which means they can be taking their high school education and, at the same time, be earning credit to the first year of their apprenticeship. That's the model that is used in Prince George.

Very typically, these programs actually benefit students who may have challenges in other parts of the school system. They've been incredibly successful, and we continue to see the importance and the need for those programs across the province.

**G. Robertson:** How many centres are operating around the province at this time?

**Hon. S. Bond:** We'll confirm the number. We believe it's ten, but I think the member opposite needs to be aware that while this is something that takes place in the public education system, districts make the decision about whether or not to host a career technical centre. Obviously, that's part of the decision-making process that goes on at local district levels.

[1520]

**G. Robertson:** My information has it that we're closer to seven — from my experience touring around the province and on the Advanced Ed side of the equation. I'm curious about exactly what the relationship is between the Ministry of Education and the Ministry of Advanced Education in relation to this program.

**Hon. S. Bond:** For the record, I said I would correct the number, and his number is correct. It is seven, not ten. We were just confirming that moments ago.

The relationship has changed in terms of how the responsibility for career technical centres is now managed. In the early years there was actually, in essence, a partnership between Advanced Ed and Education in terms of how that is funded. That is no longer the case. In fact, the Industry Training Authority is responsible for the funding.

**G. Robertson:** How much total funding did the CTC programs get last year from the Ministry of Education?

**Hon. S. Bond:** We provided no funding last year from this ministry.

**G. Robertson:** And in this year's budget? How much will the programs get this year from the Ministry of Education?

**Hon. S. Bond:** I think we need to clarify for the member opposite that first of all, because these are public education students, they do get core funding for being a student in a school. That funding is provided to school districts by the ministry in the core funding. But districts choose how to spend that money, so we don't

directly fund career technical programs. School districts will decide.

In addition to that, supplementary funding is available to school districts now through the ACE-IT program. That additional money would come from the Industry Training Authority.

**G. Robertson:** So the additional money was not available to the CTC program. It's only available to school districts with ACE-IT programs.

**Hon. S. Bond:** Any school district could choose to begin a career technical or a career training program of some type. This school would receive the funding from us as core funding. As all other dollars go to districts, districts would make that decision. They would then apply to the Industry Training Authority to get the supplementary funding.

If you had ten students in the program, you would get funding in a per-student arrangement from the Industry Training Authority. So obviously, if you have ten students, you get one amount, and if you get 20 students, you'd get double that amount.

**G. Robertson:** I'll circle back around on the difference in CTC and the ACE-IT programs. But I'm curious. The ministry talks about programs that are currently available in the CTC programs. I'm curious about what programs are in development as far as CTC goes. It's mentioned and referenced in the service plan on the website, but there is no information about what programs are in development.

**Hon. S. Bond:** Our goal, to meet the needs of a booming economy in British Columbia... We actually need to encourage and increase the number of students that are enrolled in industry training-type programs. One of the mechanisms that may be utilized would be a career technical program, so we're looking at a number of options. We're looking at a variety of ways.

The most important thing we need to do is look at the whole choice that students and parents make, and they need to make sure that we are giving students a variety of options. Career technical training might be a choice that some students may make.

[1525]

**C. Trevena:** I would like to thank the Minister of Education. She responded very quickly to my concerns about a school in school district 72 that she made a statement on at the beginning of this session, so I would like to thank her for acting so quickly on it.

I would like to assure the minister that I have talked with the chairperson of the school board and the superintendent of the school district. We've been discussing these matters during the day, and we'll be working closely together on issues within the school district.

So once again, thanks to the minister on this issue. I'm very pleased that she's acting so quickly on concerns of constituents.

**G. Robertson:** Back to the CTC. How many students participated in CTC programs in this last year?

**Hon. S. Bond:** We'll try to get that number for the member opposite.

We have the ACE-IT numbers, because that's really the program that's growing in the province. It has actually gone quite a bit beyond even the expectations we had when that program was designed, and I happened to be the Minister of Advanced Education when that whole line of thinking was started.

We'll try to get the number of CTC students for the member.

**G. Robertson:** It would be helpful to have that number for last year and then the projections for that number into next year — as well, which districts those students are in and involved in the CTC programs. That would be very helpful. I thank the minister for that.

Although there's a concern as we talk and segue into the ACE-IT program, and that's where the growth is. My concern is that in communities such as the minister's community, where there is a strong CTC program currently functioning and serving the needs of that community with locally developed programs, the ministry is more concerned about growing and phasing in a new program that comes from a more centralized approach versus the local systems that have been in place for a number of years.

Let's talk a little about the ACE-IT program that is being implemented and growing around the province. Can the minister please tell us a little more about this program and how many places in B.C. the ACE-IT program is in place?

**Hon. S. Bond:** Well, in fact, I can. I think one of the things that the member opposite should be reassured about is that districts are making decisions about how best to serve the students in this area. For example, in the Prince George school district they will continue to be able to provide career technical centre training because that's the choice model that they've used. We're going to see, I hope, more flexibility and transference of the opportunities for students through a number of programs.

ACE-IT is very similar to career technical centre programs. It depends on the models, and they are quite different across the province. ACE-IT is a dual-credit program similar to the model that we have in career technical centre in my particular school district. What it does is enable secondary school students to get, as I suggested, credit. They get a head start on the technical training part of an apprenticeship.

Programs are developed as partnerships among local school districts, employers and post-secondary training providers. Participants earn credit for at least level one apprenticeship technical training as well as their secondary school graduation credits. It sounds remarkably like the career technical centre model, and therein lies the opportunities that students have. They

may be called one particular type of program — slightly longer, maybe slightly different emphasis — but the great news is that students across the province are getting these opportunities.

To answer the last part of the member opposite's question, there are actually 32 school districts involved in the ACE-IT program.

**G. Robertson:** In those 32 school districts, how much total funding did the programs get last year from the Ministry of Ed, and how much will there be next year?

[1530]

**Hon. S. Bond:** To clarify again for the member opposite, in 2004 we utilized \$800,000 before the transition to the Industry Training Authority. The funding for ACE-IT programs is now under the auspices of the Industry Training Authority.

**G. Robertson:** There was \$800,000 before the transition. And was there a comparable amount of budget expense...? The minister stated there wasn't any funding last year to the CTC programs. I'm assuming that's before the transition into the ITA's oversight of that. Is that accurate — that there was \$800,000 for ACE-IT programs, and there was nothing from the ministry for the CTC programs last year?

**Hon. S. Bond:** The question was a little confusing, but we'll give the information we have from what we understood the question to be.

The \$800,000 was actually startup funding. We had a new program to be designed that was matched by Advanced Education funding. So those were startup funds. Those were for programs.

We saw that training for choices around trades and technical training was actually dropping in the province. That was a concern for us. That's why the new model, ACE-IT, was looked at. We looked at how to expand that across the province. There was an \$800,000 Ministry of Education contribution to start up. First enrolment was only last year in the ACE-IT programs.

In the past, as we suggested, school districts have made choices about how to offer career technical centre programs. There was joint funding provided initially — per-student funding, because you have students entering and they get core funding — between Advanced Education and the Ministry of Education.

**G. Robertson:** Thank you for that. How much total funding does each school district or school board receive for ACE-IT programs? Include next year's funding, as well, in that.

**Hon. S. Bond:** Well, I am going to just clarify that this line of questioning... I will provide the answer as best I know it for the per-student funding, but we need to remember that ACE-IT funding does not fall under this ministry, so is not subject to these estimates. I actually don't know all of the specific details.

I can tell you this. We, again, provide per-student funding through the core, which school districts get for every student. The Industry Training Authority, as we understand it, provides in addition to that \$2,750 per student in an ACE-IT program, and that process is managed and funded out of the Industry Training Authority.

**G. Robertson:** How many students participated in ACE-IT programs last year?

**Hon. S. Bond:** The numbers, as best we have them, are that the February 2005 intake was approximately 800, and in September of 2006 it's a thousand. So the total number for February 2005 and September 2006 is 1,845, and we anticipate incredible growth. In terms of the information from the Industry Training Authority, we think that it could be as high as 3,000 students.

**G. Robertson:** A question stemming back again to the supplementary funding. I'm confused. The minister stated, in reference to the CTC, that supplementary funding from the ITA is available for ACE-IT programs but not available for CTC programs. Can the minister confirm that?

[1535]

**Hon. S. Bond:** First of all, I want to correct my poor eyesight, and I apologize. The older I get, the harder it is. The February date that I gave you was.... I said 2005; it should have been 2006. I apologize for reading that incorrectly.

In terms of the funding, again, I'm not going to spend a lot of time delving into the funding of the Industry Training Authority. I do know this. The funding can be utilized. The ACE-IT funding can be utilized with career technical programs. The programs that will be funded, though, are apprenticeable. For example, if a career technical centre is offering a program that's technology-based and that does not lead to an apprenticeship, it then becomes the responsibility of the school district.

Again, these questions would be better canvassed with the minister who's responsible for the Industry Training Authority, and the budget is carried by the ITA.

**G. Robertson:** Thanks to the minister for answering on behalf of the ITA. I'll certainly pursue more questions with the minister responsible when I'm able to do that. A question, then, on the role of colleges related to the ACE-IT program: can the minister confirm the role of the colleges?

**Hon. S. Bond:** Obviously, because it's a dual-credit model, there needs to be a close partnership between schools, school districts and post-secondary institutions. In my case, in school district 57, the partner who does a fantastic job is the College of New Caledonia. Typically, the programs are offered at the post-secondary site, but that's not always the case. Models vary around the province. It's a local decision, but it

must reflect a partnership with a post-secondary institution.

**G. Robertson:** A question about the secondary school apprenticeship program. This is referenced specifically in the ITA website. I'm curious if the secondary school apprenticeship program is in fact ACE-IT, CTC or maybe its own program. Can the member clarify what that is?

**Hon. S. Bond:** Let's try it this way. A career technical centre is actually a place. It's not a program; it's a place. Within that, there are programs called ACE-IT programs, which are level one technical training, which lead to an apprenticeable trade. If students go on to be indentured, stay at least six months and get, as they are doing that, a "C plus" average or better marks, we then provide a scholarship. There's no cap to the number of scholarships. That is the secondary school apprenticeship component.

[1540]

**G. Robertson:** The scholarship that is available to these level-one apprentices.... Can the minister clarify how many have qualified for this in this last year and what the sum total cost in the budget is?

**Hon. S. Bond:** I'd be delighted to do that, because in fact we had a record number of scholarships awarded this year under the secondary school apprenticeship program. A total of 375 B.C. students received their scholarship. It's a \$1,000 scholarship, so doing the math, that's \$375,000. As I pointed out to the member opposite earlier, there is no cap on that. So next year, if the number is 400, we would be delighted to move that number to \$400,000.

The awards are granted across the province. We have the breakdowns of where those students receive those. Again, the criteria are that they must graduate from high school, they must be indentured, they must continue for at least six months and they must have a "C plus" average.

**G. Robertson:** Is this funding available from the Ministry of Education, or is it coming out of Advanced Education or ITA?

**Hon. S. Bond:** It used to be jointly funded. In fact, the Ministry of Education has taken that on completely, so that is one of my budget lines.

**G. Robertson:** It seems an oddity that a scholarship for apprentices would not be found in the Industry Training Authority budget, as it's so relevant to all the work that that body is doing within the Ministry of Economic Development. Is there a rationale for this ongoing scholarship-into-trades-training being housed in the Ministry of Education?

**Hon. S. Bond:** In fact, this ministry actually funds and issues all of the scholarships that are given to students who graduate from high school. Remember that

these students would have graduated and gone on, so this is in fact recognition of the completion of their high school and first year of apprenticeship training. We issue all of the scholarships.

**G. Robertson:** The minister stated there is no cap to this scholarship. Do you mean by that that as many students as apply for it and meet the basic requirements are going to be awarded the scholarship?

**Hon. S. Bond:** That's exactly what I mean.

**G. Robertson:** Just a couple of questions on the Youth Exploring Skills to Industry Training — YES 2 IT — programs, which apply to students in grades six through nine, teaching trades awareness and, hopefully, drawing more young people into trades as they pursue their education. As we all know, we have great, great needs for skilled trades in the future in this province. Certainly, it's a worthy pursuit for all our young people.

I'm curious, with the YES 2 IT program, what exactly the relationship is between the Ministry of Education and Ministry of Economic Development, through the ITA, in supporting the program.

**Hon. S. Bond:** We're very excited about the YES 2 IT program. The member opposite is absolutely right. This is about exploring trades options in different ways in school districts across the province.

We provided to the Industry Training Authority \$1.4 million to add to their complement of opportunities for students in the province. They are very well organized to coordinate with school districts and community partners and to look at opportunities for our students. It's an exciting, brand-new partnership. We know it's going to make a difference.

If I've heard anything about trades, trades training and choices that students make, parents continually — and students too — tell me they need to do that much earlier on, so this is a really great opportunity for students in grades six to nine.

**G. Robertson:** I'm very curious how this program is faring out of the gates. Can the minister clarify how many students participated in the YES 2 IT programs last year versus this year and what the trends are?

[1545]

**Hon. S. Bond:** We would be delighted to do that next year. This program has just been unrolled and announced as of, I believe, February. I don't have my calendar in terms of when exactly that happened, but I think it was February. There had actually been several pilot projects that looked at a model like this, but the full program was announced with the funding attached to it in February of this year.

**G. Robertson:** What are the targets in terms of intake, and what sort of expectations are there for this program in the first year or two?

**Hon. S. Bond:** There isn't a particular target number, because in fact districts would need to apply for the money and then demonstrate that they actually have the partnerships in place to make this work. The \$1.4 million will be used to partner across the province in many school districts.

I should add to my previous answer that the program was actually piloted in 21 schools across the province — including Summerland, which is the program that I was aware of — where students had the opportunity to work in a partly finished residential home. They were learning very much about the construction industry. So there were a variety of pilot programs. The \$1.4 million will allow school districts to apply and have the opportunity to design a program specifically for the needs that they feel are most relevant in their part of the province.

**G. Robertson:** So the \$1.4 million is to establish the application process in establishing the YES 2 IT programs in different school districts. Is there no funding, no budget line item, specifically for supporting those programs in the first year?

**Hon. S. Bond:** In fact, what happens is that a school would apply based on a proposal that they have, and each of the successful applicants would receive \$5,000 to carry out that program within their district.

**G. Robertson:** And \$5,000 per school district — is this budgeted somewhere in the ministry's budget? If so, what is the total expected cost of this program?

**Hon. S. Bond:** I should have been more clear, and I apologize. It's \$5,000 per successful application. That could be multiple schools in a district, because of course we only have 60 school districts, so that would nowhere near add up to \$1.4 million.

This is a one-time grant. It's an opportunity to explore some new programming. The money was granted to the Industry Training Authority. Schools or districts would apply to the Industry Training Authority, and the successful proposals would each receive \$5,000. For example, in my school district you could have ten schools that were successful, depending upon the nature of the program. Each one of those would receive the \$5,000 grant.

**G. Robertson:** I'm clear now. The \$5,000 grant, which possibly adds up to the \$1.4 million that's being transferred to the ITA, is one-time, to get school districts that are successful applying into the game. Is there any ongoing funding projected in the ministry's budget to support this program?

**Hon. S. Bond:** In fact, this is the first year. The money has been granted to the Industry Training Authority. The Industry Training Authority has also received additional new funding in the budget, but it will be a matter of priority. We certainly want to get the program started.

I should also point out that the programs are short-term in nature. That's why the \$5,000 in terms of a proposal would be an appropriate amount. Obviously, it's a beginning. It is a grant from the ministry to the Industry Training Authority for the coming school year. Then we would evaluate, and there would have to be a discussion about future years.

[1550]

**G. Robertson:** I'm very concerned, hearing this. My impression from the announcements related to the YES 2 IT programs, which went off with great fanfare, was that this was going to be a new, robust investment in the youth and introducing them to the trades in a meaningful way to encourage them to pursue that path and at least be aware of the existence of that path as they move along in their education.

While there is definitely a need for some startup funding in the \$1.4 million that is being moved to get the school districts up to speed on this, it's alarming to me as a business person that there's no ongoing budget. There are no projections about how many students are going to be supported and pursue this or what kind of cost that's going to be. We talk about three- or five-year planning, service plans over the next three years.

Here's a program that's had all sorts of investment up front, and there's no game plan for it going forward in terms of numbers or cost to taxpayers. No doubt it's a worthy program to invest in. I'm astounded that there isn't anything mapped out here in terms of where it goes in the future, particularly given the importance of education and the importance of introducing young people to trades.

I would like to shift and ask questions specifically on special needs. One of my constituents in Vancouver-Fairview has raised this issue. Her son has been assessed with a learning disability. This is a repeating pattern that I've been learning of both in my constituency and elsewhere. He was assessed by the school psychologist, and a recommendation was made to his school-based team to refer him to an extended-skills class for grades eight and nine. This recommendation was approved by central screening.

However, the area case manager told my constituent that of the 156 students in a similar situation, who had been assessed with a learning disability, there were only 70 places available. This special needs student is on a waiting list. I'm curious what the minister can do about situations like this that are very, very difficult for the student and their families.

**Hon. S. Bond:** I'm going to take a moment just to finish a couple of the other questions that were asked so we can clear those off, and then I'll tackle the latest one.

I want to calm the alarms of the member opposite about industry training programs. I mean, the great news is that we're seeing more students than ever in the system make that choice. We want to try some new things so we can have our students experience a variety of options.

The YES 2 IT program is new, and we want to, first of all, assess the takeup that school districts have for this program. We think it's fantastic that we've set aside \$1.4 million for students to actually explore the trades. I, like the member opposite, want to ensure that there are programs that will continue to be offered.

Certainly, this is one component of the industry training programs that will be offered. The Industry Training Authority has received additional funding for three years as well, so there are going to be lots of future opportunities. I think it's great that we get the opportunity to start a new program, and I can assure you that we will be looking at the success of it and making sure there are options for students that continue into the future.

In terms of career technical centres and the number of students that are involved, I want to give those to the member opposite now. I will give him both the '04-05 numbers and then the '05-06 numbers. I'll just read them for the record, but I'm happy at some point to have someone pass this over on a piece of paper if he would prefer that as well.

[1555]

School district 23 has a CTC. I'm going to give the '04-05, and then I'll just give the second number as '05-06. There were 80 students, and then 178 students. In school district 27, 16 students to 19 students. In school district 34, 288 to 289 in '05-06. In school district 35, 19 students, then moving to 20 students. School district 36, 118 students and then in 2005, 161 students. In school district 57, 132 students, moving to 165 students. In school district 68, 311 students. That particular program dropped to 151 students. In school district 73 there were 37 students in '04-05 and then 51 in '05-06. In school district 83 there were 13 students; then in '05-06 there were 41 students.

In terms of information about Success By 6, I want to also correct the language that I used around the budget, because I want to be sure.... Because it wasn't my budget line, I should have left that with the Ministry of Children and Families obviously. There was a \$10 million startup grant that was provided to Success By 6 from the Ministry of Children and Families; \$2.7 million was leveraged fundraising through credit unions and the United Way — and \$1.2 million in in-kind donations for that program. The money that was actually provided was a grant from MCFD, and that discussion is ongoing in the ministry. I wanted to make sure that we got all that clarified. I think that clears off all of the unanswered questions.

The final question, or the question that the member most recently asked, was about a particular special needs student in a particular school district. I would be most happy to have our staff look at that particular set of circumstances. Obviously, I can't answer it here. It is obvious, at this particular moment in time, that those are school district decisions and school district programs. But as in the other cases that we were presented with information, we're happy to check that out and get a better sense of understanding about the circumstances.

**G. Robertson:** Just quickly running numbers here based on the information on the career technical centres. Thank you very much, through to the minister and staff, for providing those so quickly.

Other than one school district there, I note in '04-05 slightly over a thousand students involved in this, and other than that one school, in the others there's over 20-percent growth in the CTC numbers, which is fabulous. I really hope that the ministries involved continue to support this program. As I have travelled around to campuses in the college system that have been supporting CTC programs, there's certainly a desire to keep them going and in fact invest in them and encourage students to pursue them.

Back to the special needs case. I'm curious here. The challenges faced by special needs students and their parents stem from the fact that the funding is no longer targeted to school boards for special needs students. I'd be interested in the minister's opinion as to whether targeted funding would help these students.

**Hon. S. Bond:** Certainly the challenge of special needs funding, and the importance of making sure that students are well supported, is something, obviously, the member opposite and I share. I want to clarify how the funding formula changed, so that we can at least make sure that we understand what happened there, and then we can talk about accountability as well.

Levels one, two and three funding, which are low-incidence, high-cost — a way that particular groups of students are categorized — has actually increased and remains very much attached to a particular level of disability. So levels one, two and three funding remained in place, and we increased funding across those three levels.

The money that had been present for special needs students actually was, in essence, de-targeted. The line was removed, but the funds stayed in the system. They rolled over to school districts and were kept in the block amount. One of the reasons we changed that is because there had actually been caps in place for those students previous to that. In essence, it was a fairly useless way to do that kind of funding — with the capping in place.

[1600]

The dollars were retained in the system and included in the block. We should be clear about the funding that special needs students get in the province. The funding didn't disappear; the targeting did. In fact, we have over \$600 million that's currently invested every year — more than half a billion dollars in special education funding. We expect school districts to utilize the dollars. As they know, they are in the system for those low-cost, high-incidence students. The dollars remained; the targets are gone. We expect them to be utilized to benefit special needs students.

**G. Robertson:** Well, in fact, in my community in Vancouver, the Vancouver school board has been recognized as actually spending more than the amount that was previously allotted or targeted to special needs students. Their spending increased over time obviously in reaction to challenges within the class-

rooms and special needs students needing to be supported. The will has been there in the community. However, it has eaten into the budgets of school boards, like Vancouver school board, where there wasn't more funding allocated to service the growing needs for special needs students.

Given a situation like this as the Vancouver school board faced, what is the minister's advice to the parents of these special needs students who are on waiting lists right now? The school boards are strapped and have overinvested in the needs for special needs students in their districts, which are increasing. What is the minister's advice to the parents of these students who are on the waiting lists?

**Hon. S. Bond:** Well, first of all, I want to make sure the member opposite recognizes that we are concerned about the appropriate level of support for special needs students in this province. One thing I know about special needs parents — and mostly because they've had to over time — is that they work very hard to advocate on behalf of their students and on behalf of their particular children. So the decisions about how to spend those dollars that the targets have been removed from are up to school boards.

I would be very interested if the member opposite could provide me with information about the wait-lists that exist. We'd be happy to have a discussion with the district about that to get some better sense of why that circumstance exists.

But I need to point out to the member opposite that in the Vancouver school district, when I look at the 2005-2006 final budget and also the estimated budget for that particular school district, the percentage of change in their budget over the last number of years has been a 9-percent increase. They've seen an over 2-percent decrease in the number of students. We are also aware of the fact that the Vancouver school district had a surplus of over \$3 million.

[D. Hayer in the chair.]

One of the issues that we have to deal with is the fact that — now that the entire team is on the other side of the room.... The fact of the matter is that we have funding at a level that is the highest it's ever been at in this province. Does it call for decision-making that's challenging? Well, one would suggest that boards and school districts know full well that those dollars for special education funding did not disappear from the funding formula. The targeting disappeared. We are concerned about the accountability of those dollars.

The other thing I'd like to point out to the member opposite is the fact that when we added \$150 million last year to the public education system, one of the things that school districts chose very much to do was.... We had suggested that they look at some particular areas. One of them was the arts; one of them was libraries and learning resources. The third area was support for students with special needs.

[1605]

In fact, we saw that there were significant numbers of student support workers added. There were 45 non-



enrolling teacher positions added. There were a number of non-enrolling district positions added — in fact, consultants and resource teachers — to try to help deal with the special needs, especially in the high-incidence categories. We are funding, as I've said, over \$600 million a year for special needs students in the province.

**G. Robertson:** It's interesting. I don't think the math is lost on those who actually go about adding up year to year to year. Although there has been ground made up in this past year, it's a pittance compared to the cuts over many years that these school districts faced. So while I salute the fact that this minister has brought more funding to the table than in previous years, I think I stand here on behalf of school districts, like the one I serve in, with great concern that those new revenues don't make up for the damage that's been done and the impact that carries on over a number of years.

Specifically, with special needs students.... Will the minister just clarify whether, despite the fact that that funding is targeted, the actual number of special needs students — in the Vancouver school district, for example — is being accurately communicated to the ministry and that the funding is reflected as to accurate numbers year to year.

**Hon. S. Bond:** In terms of verifying numbers, there is an audit process that does take place that school districts provide to the ministry. Having said that, there has not been for some time an audit process that involves the high-incidence students. I've asked the ministry to begin to do that again. I'm not sure if it has ever been done, but it hasn't been done for a period of time. I've asked the staff to begin to do that. It's important to know about the numbers of students across the spectrum. In fact, there is a process. They are random, so it's not something that's done to every single school district on a regular basis.

I should point out, though — and I do need to.... I'm sure the member opposite can understand the importance of my correcting the fact that.... To suggest that there have been budget cuts, there have.... Certainly, when I looked at the per-pupil funding levels from 2001, it started out at \$6,375. It has been increased incrementally to 2006-2007 to the place where, in fact, it's over \$7,000 per student. So we're at the highest level of per-pupil funding ever. We have 37,000 fewer students in our system, and so funding is at the highest level ever in this province.

**G. Robertson:** It's a familiar refrain from the minister and her colleagues in the government. The fact remains that there have been enormous program cuts around the province over the last years directly related to the lack of funding available to our school system.

I will thank the minister and her staff for answering questions, and I will pass the torch to my colleague from Alberni-Qualicum.

[1610]

**S. Fraser:** Thank you to the minister and staff. Thank you for being here. I'm going to switch gears

and get into some aboriginal issues, if I may. As you're aware, the *New Relationship* document came out just over a year ago. I would like to know: can the minister explain what changes have happened pre- and post-new relationship?

**Hon. S. Bond:** I'm actually happy to have the member opposite ask questions about aboriginal education, because it's absolutely critical to the work we do. I want to characterize it more as "what have we done and where are we going, and does the new relationship actually enhance or change that relationship?"

In fact, this particular part of the Ministry of Education has been a huge focus since the time we became government. We believe that aboriginal children in this province deserve to have the same type of opportunities and to experience the same outcomes and degree of success as non-aboriginal children. So there's been enormous emphasis placed across all the school districts in this province to try to not only narrow but close the gap that exists currently.

To the member opposite: we embarked upon a program of student achievement and student success, which includes aboriginal young people. In fact, we've seen aboriginal completion rates rise by 6 percent since 2000-2001, which brings their completion rate to 48 percent.

Now, I'm the first person to say that that is not acceptable and that we need to continue to work harder. I think the new relationship gives us the opportunity to expand and enhance relationships that already exist with this ministry and first nations — in particular, the first nations education steering committee, FNESC, as they're known fondly to us. We've had a good working relationship, and I'm looking forward to even more productive work there.

We also are working on tripartite arrangements between the federal government, FNESC and the provincial government, which I'm seeing as a positive step. I think one of the things I'm most pleased about is the fact that we expect to have 60 aboriginal enhancement agreements in place across the province. We currently have 23, and we're going to be pushing quite aggressively to make sure districts are utilizing that tool.

I'll begin with that answer. I know that the member opposite will have very specific questions. But I do think we have a good working relationship, we have identified this as an area of priority for five years now, and I think the new relationship will only enhance and give us more opportunities to see improvement.

**S. Fraser:** Thanks to the minister for that. I'm aware that there has been an improvement in graduation rates. That's heartening, although the discrepancy is still huge. I think it's only 20 percent of non-aboriginal students that are not graduating, so that's still a major challenge ahead of us. I appreciate the challenge.

But specifically since the *New Relationship* document and the commitments made through that.... One of the pledges is to substantially improve the circumstances of first nations people in the area of education

— and other areas, too, of course. But since the document, has there been any change, or have we just been ongoing for the last five years?

[1615]

**Hon. S. Bond:** Again, I think we've had a great working relationship, and one of the areas of commonality that has always existed is a real, keen interest to have dialogue about education in particular. Maybe that helped us in where we were headed anyway.

I do think we've had a particular emphasis now on the tripartite relationships, and in fact, my deputy has had discussions, which have not taken place before, with the Métis and also with the United Native Nations. We're also talking about band schools now and on- and off-reserve students. I think we're seeing an expansion of the horizon, so to speak, in the discussions we're having.

One of the things we want to be very careful about is the fact that we don't simply want to jump into implementation-and-expenditure mode. That's not what this is about. This is about a thoughtful, careful dialogue with community, and I think we're seeing that.

Certainly, after the Kelowna discussions with first ministers there, there were very clear directions set about reducing the gap, and I appreciate the member's comment about the gap. I totally agree that that isn't acceptable, and there is much work to be done.

I wouldn't suggest that there's been anything dramatic in a change kind of way in this ministry, in particular, because we've worked very hard across the province to see that and have those foundations in place since the early times of our mandate.

**S. Fraser:** Thank you for the answer. I appreciate what the minister is saying, but the document that came out early last year, the *New Relationship* document, specifically cited that there were problems at that point. So whatever progress had been made, if there has been progress made to that point.... There was a specific commitment and promises made towards addressing that.

With that in mind, is there a line item? Is there a budget change to implement the new relationship regarding education?

**Hon. S. Bond:** Just to answer the question quickly, I don't think there's been a dramatic change. We haven't changed budget lines; we haven't done a number of those things. But we certainly have seen an increase in the collaboration, the cooperation and the setting of....

What we want to do is actually set a joint work agenda. That's going to take place over the next number of months. Planning and dialogue are important for us. We hope to have a strategy in place. We're aiming for the end of this year, December of 2006, to actually have a collaborative and cohesive strategy in place to work in partnership.

I think it is quite significant that, for example, we are in dialogue with groups through the deputy — I want to make that clear — with organizations such as

UNN and, also, the Métis Nation. That's not taken place before. I think that is significant progress, and I look forward to the ongoing dialogue related not only to the new relationship but to the good work we've already started.

**S. Fraser:** Thank you to the minister and staff for that.

So if there's not been a specific budget change, pre- and post-new relationship — and the dialogue in that sort of work is very important; I understand that — is there a specific allotment of staffing funding, for instance, that's changed to implement the new relationship, pre and post?

[1620]

**Hon. S. Bond:** In fact, we have not changed the number of staff or anything like that, but I can make the member opposite aware of the fact that I have five full-time-equivalents and three secondees that work in the area of aboriginal education in this ministry. For me, the *New Relationship* document and the whole process is a cross-government initiative to basically deal respectfully and appropriately with first nations people in this province.

In this ministry there have been great working relationships. Is there more work to do? Yes, there is. But one of the things that's always been evident to us is that education is of incredible importance — not just to non-aboriginal people, but aboriginal people. So we've really done a lot of work, and as I say, one of the areas I want to see work ahead more aggressively is the area of aboriginal enhancement agreements, which is unprecedented.

In fact, we were recognized as a leader at the round table in Ottawa in aboriginal education in this province, in particular because of the relationships we're now developing between the federal government, ourselves and both on- and off-reserve students. We are considered leaders. That doesn't mean we still don't have more work to do.

**S. Fraser:** I understand these are good steps.

I'm not seeing anything tangible that would relate to the promises made through the new relationship. Is it the minister's responsibility or the ministry's responsibility, as outlined in *The New Relationship*, to help revitalize and preserve first nations cultures and languages and restore literacy and fluency in first nations languages to ensure that no first nations language becomes extinct? Since the *New Relationship* document has come into effect, has there been anything done by the ministry specifically in this regard?

**Hon. S. Bond:** Certainly. As I said, the new relationship is a cross-government initiative. Certainly, we have a role in education to make sure we're looking at the issues of culture and heritage and language.

There are a number of things that we're doing and that we will continue to do and also enhance. School districts are dealing now with issues of how to incor-

porate those kinds of things into their particular programs and offerings. I've been lucky enough over the last number of months to visit countless districts that have amazing programs to do just that.

For example, one of the things we're supporting, which I announced in the last month or so — I'm not exactly sure when; the days sort of run into one another — is a program called Elders in the Classroom. The very point of those programs is to bring aboriginal language, culture and heritage into classrooms — not strictly for the benefit of aboriginal students, but non-aboriginal as well.

We've now given money to three school districts across the province to gather information so we can create a handbook of best practice to share with other school districts to see the expansion of those types of programs. That's just happened within the last month or two — very much designed around the issues that the member opposite brings to the table.

The other project which is new, as well, which the member opposite may be interested in, is a mapping project that we're doing. By that I don't mean a geographic mapping. It's the mapping of languages and territories in the province. We're doing that in partnership with FNEC, the first nations education steering committee. The point of that is to make sure we understand better where languages exist and where geographically they exist. That will help shape the programming and decision-making around the very issues that are listed in the *New Relationship* document.

Those are both new initiatives. I didn't want to sort of imply that they had been spawned by the document, because in fact, that thinking has been going on for some time. But in terms of time and chronology, they've just happened in the last couple of months — both very exciting initiatives

[1625]

We're always looking for ways to hear from community and from the aboriginal leadership: what are the kinds of things that should shape the relationship moving forward?

**S. Fraser:** I applaud the Elders in the Classroom program. It's a good one. There has been a generational gap that's lost a lot of traditional knowledge and language due to a number of things — residential schools being one. A lot of languages are at risk right now, so I think that's a good step.

Are there aboriginal teachers being hired? Is there change in that since the new relationship? Any numbers changing there?

**Hon. S. Bond:** As we have more opportunity to discuss this, we find many more answers to the hon. member opposite's questions. In addition to the work we're doing, that is an issue — the recruitment, retention and training of aboriginal professionals. We are currently engaged in a process with Advanced Education in partnership with them to do a study on this very issue, in terms of looking at how we better train, equip, retain and recruit aboriginal professionals. We

expect that report to be back to us this spring. We think, again, that it's an important issue for us to address, and we are engaged in a process of gathering information.

I should also let the two other pieces of information... As I'm remembering them, I'm writing them down on pieces of paper here. All of the enhancement agreements which are created — that's done in partnership with all of the aboriginal partners in a school district — they must sign off. I've actually been — and I urge the member opposite, if he gets an opportunity — to attend an enhancement agreement signing. It's incredibly profound. I went to one in a longhouse here on the Island, actually, and it was very moving. I will not forget that. All of the parties, including all of the bands that are represented in that district, came together to sign on a beautifully made drum. It was really quite remarkable.

All of those enhancement agreements do address the issue of language and culture. They've been key components of the creation of those programs. In addition to that, in our school system we use integrated resource packages, which provide templates for teachers. There are seven aboriginal language IRPs in the provincial system. I could give you an example of them: Nisga'a, Sechelt, Shuswap, Okanagan languages. So there's a lot of great work that is underway and, also, more contemplated.

**S. Fraser:** It is interesting that the languages vary so substantially between different first nations. Thank you in Ahousaht is *klecko-klecko*; thank you with the Lheidli T'enneh near Prince George is *muksi-cho*.

**Hon. S. Bond:** *Mussi-cho* and then *hychka*.

**S. Fraser:** Exactly. *Hishuk-ish ts'awalk*. They're all connected, though. It's interesting.

**J. Horgan:** You've just wrecked the *Hansard*.

**S. Fraser:** No. The *Hansard* people are actually very good at this, hon. Chair. They've actually found these words and confirmed them when I've spoken them, and I don't always speak them correctly. That's good to know.

The work that's being done, the study you were referring to that is being done around some of this — is that involving first nations specifically? Do you have people on staff that are first nations that are advising you?

**Hon. S. Bond:** I knew the answer to this, but I wanted to just confirm it: absolutely. We have a number of key leads that are involved in that — but certainly, much discussion not only with school boards but with aboriginal leadership. We feel it has been quite comprehensive, actually, and inclusive.

[1630]

**S. Fraser:** Thank you to the minister for that. The aboriginal teachers that are in the system now, are they

hired — I mean, specifically to deal with things like language and culture and that — by targeted funding, or is that done through core funding? Is there any difference?

**Hon. S. Bond:** The hiring practices used for aboriginal teachers would be the same as they would be for non-aboriginal teachers. I should point out, though, that in some districts the additional funding that's provided for aboriginal students is \$950 a student. Sometimes school boards would consider aggregating those funds and then setting aside funds for a particular teacher, culture, language. In my own district, I can give the example of the fact that... In many districts there is an aboriginal education advisory board. In Prince George it was called the Aboriginal Education Board.

There's often dialogue, discussion and partnership in terms of how to utilize those dollars. Certainly, the same employment practices would be used with aboriginal teachers as with non-aboriginal.

**S. Fraser:** There's, of course, a new senior ministry, Aboriginal Relations and Reconciliation, which has come in. It's just over a year old, too, so it just predates the New Relationship agreement.

Now, the minister had told me they have a role. Its responsibility is to provide leadership in bringing to life the *New Relationship* document and, more specifically, to substantially improve the circumstances of first nations people in the area of education. I'm already on record as supporting this initiative. Have you designated specific staff to working with this ministry, or have they provided staff? How is that liaison done?

**Hon. S. Bond:** In fact, there are regular meetings that are structured typically at the ADM level. They are held regularly, not just with our ministry and MARR, but also with Health and all of the cross-ministry, cross-government ministries that have a significant role to play.

One of the most interesting things is that there is a very positive reaction, certainly from my staff, about how positive those meetings are, how much energy there is there. I think there really is a true spirit of wanting to collaborate in very positive ways to bring to life not just the *New Relationship* document, but in fact, a new relationship. I know that my staff is very excited about participating. It's a very positive table — lots of energy and lots of hard work.

**S. Fraser:** I've been advised that I must move along, so I'll be very quick here. I just have a few more questions. Thanks to the minister for that.

Do you receive resources as a ministry from the Ministry of Aboriginal Relations and Reconciliation in funding or staffing or something like that?

**Hon. S. Bond:** I'll help the member move along by answering quickly. No, we do not. They simply play the coordinating role.

**S. Fraser:** Just to finish off, a couple issues that have come up. There are on-reserve, off-reserve first nations students that are going off-reserve to go to a school.

[1635]

I'll use Tofino for an example. Half of the students in the Wickaninnish elementary school are first nations, mostly from Opitsat, just across the bay — Tla-o-qui-aht First Nation. Is there a formula for dealing with the funding of the per-student situation there?

**Hon. S. Bond:** We fund those students like we would any other student that attends a public school. We do, however, receive recovery — we recover those funds — from Indian Affairs for those students that are on reserve who attend public schools.

**S. Fraser:** Just for clarification: INAC provides funds to compensate the province. I don't need an answer; I think I've got it right.

In the other direction, we're seeing now, with school closures and such, more students that are non-aboriginal attending schools on reserves, for instance. Now, there's a situation. How does the funding work there?

**Hon. S. Bond:** We would not provide funding for those students, because they would register directly with the band. They have no connection to the public school system. However, some band schools are also independent schools, because they've met the criteria to gain independent school status. In that case, the band school actually receives 50 percent of per-pupil funding, as would an independent school that is not on reserve.

**S. Fraser:** Thanks for that. The independent school situation... In a lot of situations where this is happening, I don't believe that's the case. INAC isn't funding the non-aboriginal child that is going... Usually because of a proximity issue, if other schools are closed off reserve, these students are going on reserve. Are there just less funds per student in that situation? Is there a gap there?

**Hon. S. Bond:** If students are not registered with us, we do not provide core, base or per-pupil funding. In some cases, parents pay fees for their child to attend an on-reserve school. In some cases, it may be covered by INAC, depending upon the circumstances there. In some cases, they're allowed to attend, and there's no exchange of funding for those students.

We do not fund students that are not registered. Again, there is some funding if the band school happens to have independent school status.

**S. Fraser:** Thanks for that to the minister. Keeping in mind that there are situations, then, in the province — and they are more prevalent than they used to be — where there are students who are non-aboriginal who are utilizing a school or educational facility on reserve

and that there are no funds coming from either the federal or provincial government, there is a gap there.

[1640]

Will the minister and the staff look into that and/or liaise with the federal authorities, specifically INAC, to make sure that this gap is closed? It would not be in keeping with the five great goals for improving education in the province.

**Hon. S. Bond:** In fact, we continue to have, as I said to the member opposite earlier, a discussion with INAC, with FNEC and with the ministry. I can't see any reason why we couldn't add that. I'm not aware that that's been a discussion item. If it hasn't, I'm happy to.... I'm sure that that issue would be brought forward in that tripartite discussion.

I know that a previous minister, a number of years ago, had signed an interim agreement to have discussions of that nature to look at the whole relationship between on-reserve schools and student transfers and all of those kinds of things. I'd be quite happy to make sure that that is one of the items that is discussed. If that's the member opposite's final question, then I will return the favour to him and say *hychka*.

**S. Fraser:** I have one more question, but it's actually sort of an aside. I thank the minister for that.

There are a lot of gaps between the federal and provincial responsibility in dealing with aboriginal issues across the country, and I think we all have to work towards closing those. It's not just education; they're across the board.

Transportation, in a lot of cases, for aboriginal students is very difficult. Dididat is an hour and a half bus ride. I mean, just coming in from Opitsat there's a boat ride and stuff too.

**J. Horgan:** An hour and a half on a logging road.

**S. Fraser:** On a logging road — very challenging. This is a challenge towards education. If you're a student and you're facing that sort of handicap, there's a lot of.... It can affect, certainly, the ability of those students to have the will or the energy to graduate. Are there any efforts being put forward by the ministry towards addressing that or acknowledging that and trying to find a solution? That is my final question.

**Hon. S. Bond:** Not specifically, but again, we shouldn't limit the discussions we're having to the issues that are currently on the table. I know that as we move forward without a really positive working relationship, those are the kinds of things we do need to look at. Again, I'm happy to have heard them here today, and it will help inform my discussions as we move forward.

I just want to say that I appreciate the member opposite's interest in what is a very important subject to me personally and to the ministry as well. I would be delighted to entertain other discussion or questions in the future. I appreciate that.

**S. Fraser:** To the minister and staff: *klecko-klecko*.

**R. Austin:** I just wanted to take this opportunity to ask a few questions pertaining to school district 82. My first question is one about a capital project. A few weeks ago I was given a tour of Mount Elizabeth high school by the superintendent, Randy Smalbrugge, and one of the Kitimat school board trustees.

I don't know if you're aware, but this is a school that was built when Kitimat had a much larger population and at one time housed, I believe, over 1,300 students. Currently, it has 745 students, and the school district has applied for this school to be downsized — essentially, to have an entire wing sort of demolished and made smaller so that all the costs involved in keeping this school going would come in line.

The superintendent informed me that last year this capital project was number two or three on the provincial list — I understand that there's obviously a priority list of capital projects — and then it got bumped down. I'm just wondering where that capital project sits right now.

[1645]

**Hon. S. Bond:** I personally am not, but my staff is aware of the circumstances with that particular facility. The school district has made that project its number-one concern — capital concern, at least. It will join a number of other projects from across the province as it moves through the process because, as you can imagine, there are significant needs all across the process.

I can just reassure the member opposite that it is one of these schools that will be on a list of many that we need to look at the future of. It is on our radar screen, so to speak, and the board has confirmed that it is their number-one project.

**R. Austin:** I just do want to emphasize that school district 82, of course, is one of the school districts that is in a very tight crunch for a number of reasons. We're one of the few school districts that's on a four-day school week. I've heard the minister go back and forth in the last few days with the fact that we have a declining enrolment provincially, but if you look at school district 82, it's one of those districts that has had a declining enrolment not for one year or two years but for many years in a row, which has brought added pressures to our school district.

I just want to ask one other question with regards to that capital project. The fact that we have a brand-new school, Mountain View elementary in Terrace, that has never been opened as a result of it having.... The decision to build it was made when our area had a booming economy during the '90s and doesn't now, but that school has remained empty. Does that have any effect upon the decision whether to go ahead with the other capital project down in Kitimat?

**Hon. S. Bond:** The only thing I'm happy about is that the time line was clarified in terms of that school. But I should reassure the member opposite that these

are separate issues, and the two would be considered quite separately. The school that was mentioned would be considered, as would any other capital project, under the current set of circumstances. I've been reassured that this is the only school that's ever been built and not occupied in the province.

**R. Austin:** I just want to ask a few questions about the four-day school week. When we went through the estimates process last fall, I asked the minister a few questions about the four-day school week, and one of her replies began with: "As minister, I'm a believer in choice."

I'd just like to emphasize to the minister that two and a half weeks ago the school trustees in school district 82 had to make another very difficult decision, which was to go into a fourth year of a four-day school week. I'd like the minister to understand that, without exception, the school board trustees who voted for the continuation of the four-day school week, as well as those who voted against continuing the four-day school week, felt that they had no choice in this matter. It wasn't a matter of choice; it was a matter of the fact that they had no choice, and that's because of the financial crunch which school district 82 is under.

When we spoke last fall, the minister informed me that the four-day school week was a matter that had been brought up at the round table. I just would like to ask the minister: is this still something that is being discussed at the round table? Is it one of those priorities? We always hear about classroom size and classroom composition. I'd just like to ensure that the four-day school week, which is something that is very important to all the people in school district 82, is also part of that discussion at the round table.

**Hon. S. Bond:** Well, I do remember and certainly appreciate the passion and the view that the member opposite brings to this discussion. I do remember the discussions that we had in our first round of estimates together.

[1650]

The good news, from my perspective, is that my own personal view hasn't changed. I believe in choice. The member opposite points out that this isn't a choice, but in fact it is a choice. It's a tough choice to make, but I do have to point out that in this particular budget, in fact, this school district is receiving more dollars and has fewer students. When I look at the increases over time, this school district has lost 27 percent of their student population in ten years. So there are some challenging circumstances there, but there are additional funds being sent to the school district. I would not for a moment take away from the fact that it was a decision that school boards made, and I'm sure some trustees found that very difficult.

I should also make the member opposite aware that we offered the school district the opportunity for someone to come and walk through the budget with them, to work through the challenges to see if there were other things that could be done. As a matter of

fact, my deputy made the offer to sit down, review the budget and go through some of that difficult decision-making.

I remember the first discussion. This is not unlike that one. The scenario is quite challenging — a 27-percent drop in enrolment. Having said that, we do see increased funding going to the district this year.

**R. Austin:** Is the four-day school week, though, still also part of the discussion of the round table?

**Hon. S. Bond:** I apologize for not answering that in the first answer.

I'm trying to think accurately. It has not been an agenda item specific to the round table, and one of the challenges there is the fact that we're having enough challenge getting through the issues of class size and composition.

It was accurate to suggest that that issue was brought to the table as one of the demonstrations of challenges in the province, but there has not been, certainly to my recollection, a specific agenda item, and no substantial discussion about that. We're trying hard to get through one or two items and can't seem to get past those.

**R. Austin:** Can I ask that the minister be the person to bring this back onto the round table? If, for example, Vancouver school district or Victoria school district decided, as a matter of their choice, to put all of their children onto a four-day school week, I would suggest to the minister that there would probably be a riot on the front lawns of the Legislature, at which point the four-day school week wouldn't just be a matter of choice for independent school boards to go ahead and make but in fact would be something the government would have to really deal with.

The fact that we have four-day school weeks in school district 82 and in the Boundary school district and, I believe, one other in the Gulf Islands would suggest that because individual school districts have made these choices in faraway school districts with relatively small populations of students.... I don't think the government has an understanding of how detrimental this is to many families and how most of the families who are under these circumstances feel that their children are getting a second-class education in a province which is booming economically and has a \$1.3 billion surplus.

My question to the minister is: can the minister bring this up and show that the government is working hard to address the four-day school week issue?

[H. Bloy in the chair.]

**Hon. S. Bond:** To the member opposite: I would be happy to bring that to the round table, but I also think a more practical suggestion would be to put it on the agenda of the education advisory committee, which typically meets — as has been canvassed fairly thoroughly during these estimates — once a month and

includes all of the partners, including students and parents and the BCTF — so a bigger version of the round table with a different agenda.

I've put numerous items on the round-table agenda that we have yet to get to, but I could, for the member opposite's benefit, put it on the EAC agenda as well.

**R. Austin:** I just have one final question.

I know that the minister and the Premier are committed to going around the province to meet with parents, trustees, etc. Can the minister inform me or, if willing, let me know when the date will be when she'll be visiting school district 82? What's the process when you do come to town? Will ordinary parents be able to come and sit in a room and have some dialogue, or is this closed board meetings where the minister just meets with, say, school board trustees or administration? Is this an open forum?

**Hon. S. Bond:** In fact, I can't give the member opposite the date because, as you can imagine, events like this sort of intervene into long-term planning. We are fitting in visits wherever that's possible with my schedule and with the indulgence and support of my colleagues, who allow me to be away from the House, so I don't have a specific date for that visit.

[1655]

We are using a format that is quite similar in districts, simply because of the time that I have when I'm there. It will be the same for the Premier. What I attempt to do is visit as many schools as possible. That's really the key interest that I have, so that I have an opportunity to meet with staffs in staff rooms and situations like that.

Typically, I visit an elementary school, a secondary school and a middle school, if possible, if I can fit that into a very, very long day or day and a half. I also meet with a group of stakeholders. One of the reasons we do it that way is because then I can speak to the representatives of those people, bringing numbers of voices to the table. In those meetings there would be parents, students, support staff workers, trustees — the entire group.

Then I try to fit in meetings with district parent advisory councils, who are welcome to invite parents to participate in whatever format. But I usually do work through the district parent advisory council organization. I've managed to meet parents in that setting in most of the districts that I've been in. They've been extremely beneficial.

At this point I don't have the dates lined up very far ahead because of events like estimates.

**R. Austin:** When the minister does have the date lined up, could I be informed of that? Or is it made public on a website or something like that?

The other question is: because school district 82 is such a large district geographically, can I assume that the minister will probably be making her visit to Terrace only, then, because it's very hard to go to all the other communities? Is it just Terrace, probably?

**Hon. S. Bond:** Well, no. In fact, one of the things that I'm trying to do and that I think is important to do is visit a number of areas. For example, when I did the Howe Sound school district, I also visited Pemberton, Squamish and Whistler. It makes it a little more compact in each of those particular communities. Obviously, being from the north, the distances are that much more challenging. So I'd like to find a span of time when I could do more than one particular community or city in a particular school district. I'm trying very hard.

I really want to visit some of the communities that typically haven't been visited by government ministers. I think that's important as well, and the Premier shares those goals. We're trying to be as diverse as possible. I look forward to being in some smaller communities and some larger ones.

We're working on putting up a website which will show where we have been, who we've talked to, what the visits were like. It will be very comprehensive so that people understand where we've been.

I would be happy to let the member opposite know when I have the date. As I say, at this point I don't have that.

**J. Horgan:** I was listening intently to the minister's responses to some of my colleague's questions, and I'm delighted here to take the floor again and begin some further questioning.

I would like to pick up where my colleague from Skeena left off. I'm delighted that the minister and her staff are going to put up on a website where they've been. What I asked earlier on in the week was: where are you going?

I do fully appreciate the minister's comments with respect to her schedule. It's difficult to do. I mean, I have a challenge with my own schedule, and I have the good fortune of living in the capital regional district. So I fully appreciate that.

I know from discussions with our caucus, many former educators — some of them are joining me here today — and just concerned MLAs that they would be delighted to participate in some of these activities with the minister when she's in their communities. Would she commit today to giving us as much advanced notice on these visits as is possible?

**Hon. S. Bond:** I'm certainly hoping that one of the things we can celebrate is the fact that the minister and the Premier are getting out and about around the province. We will do our best to be as cooperative as possible about that.

I can only answer the questions with the actual facts. I don't have the dates set for long periods of time in advance. That's simply not possible with the schedule that I keep, not only where I live but in the job I have to do as an MLA and as a cabinet minister. I assured the member opposite that I'd be happy to let him know when I have a date planned. At this point I don't have dates set very far ahead at all.

**J. Horgan:** Do you plan to come to Sooke, hon. minister?

**Hon. S. Bond:** Either the Premier or I plan to visit all 60 school districts.

**J. Horgan:** With that knowledge, then, there's some certainty that of the 60 districts, you're going to visit with all of them, although I don't know how you're going to meet with the French district. Maybe you could explain that in your response.

[1700]

I know there are a number of members on this side of the House that would be delighted to participate in their communities with the Premier and the minister to celebrate some of the successes we've talked about over the past number of days and also to drill down a little bit into some of the challenges we've been raising, so that the minister and the Premier and those on the other side of the House have a better appreciation of our concerns about secrecy, about transparency and about a desire to just participate with you in visiting our communities.

Could the minister give even a minimal commitment to try and give us 24 hours' notice when she's coming to town?

**Hon. S. Bond:** I said quite clearly to the member opposite that we would be as cooperative as possible, and the fact of the matter is that it's a little hard to be secret about visiting a school district. By the time I get there, I can assure you that there are people from every particular group that want to chat and visit and visit schools.

I've been very clear about my intentions. The Premier and I have been very public about the fact that this is a commitment unprecedented in this province. We suggested that we would be as collaborative as possible, and that's the commitment I made.

**J. Horgan:** What would be equally unprecedented is for the minister to agree to cooperate with members on the other side of the House and discuss a broad range of issues when she comes to town with the Premier.

We have a \$2 million item in the budget for communication. Perhaps some of that money could be put towards retaining staff to advise MLAs when you're coming to their community. I will then conclude that the minister will do her level best to advise me when she's coming to Sooke?

**The Chair:** If you want to move on with your questioning, member.

**J. Horgan:** It's going to be an interesting evening. I can tell.

Perhaps we could talk, then, about the notion of information being put up on a website after the fact. I have correspondence from some people who are concerned that the minister will come, and they won't have an opportunity to speak to her and to the Premier about issues of concern.

Is there any strategy in place to try to broaden the net? I did hear a very comprehensive list of people who will be advised. Are there any other ideas about maybe posting advertisements in local newspapers?

**Hon. S. Bond:** We made it very clear what this visit is all about, and I am delighted with the way they've gone. I can honestly tell you that the representatives who speak for the teachers, the support staff workers.... In fact, we have parents that represent thousands of parents in school districts. It is simply impossible to meet the demands of every single organization in every single community.

My priority, as I mentioned previously to the member opposite, is the fact that I want to visit schools. This is about students and classrooms, and there's nothing better than being able to talk to teachers in their classrooms, to meet with parents who are there in the schools. So I've clearly laid out the agenda that we intend to continue with.

The member opposite sort of makes light of the website. We simply want to share with British Columbians some of the amazing work that's being done by teachers, students and parents across this province. I'm proud of the fact that we're looking at that initiative.

I am going to be as thorough as possible when visiting school districts. We're investing enormous numbers of hours and days to make this happen. I think it's something that is good news for this province, and we're going to do our best to talk to people when we do that.

**J. Horgan:** I'd just like to read into the record. I have a great, great pile of testimonials from individuals in districts across the province, and I'd just like to read this one.

I am a teacher in Alberni school district. I have read the website content regarding the Learning Roundtable and the minister's answers to the "Frequently asked questions" sections on class size.

I understand that the government wants to hear from classroom teachers, and I would like to share the experience in my school this year. In hopes of more effectively building our classes, some teachers in our school developed a checklist of issues regarding student designations and difficulties. The results were alarming.

In my class I have five modified students, six adapted students and one student with behaviour needs, two gifted students and several students with emotional problems. With one glance at the checklist for my class, my principal started to giggle, and he admitted that the composition of my class was a mistake — a mistake I had to deal with for the entire year with no support.

Would the minister commit to putting testimonials such as these up on her website?

**Hon. S. Bond:** Actually, I'd be happy to take the information from the member opposite, as we did yesterday, and have a discussion with the people that made a decision about that classroom.

The whole point....

Interjection.



**Hon. S. Bond:** If I could finish. The whole point of having a dialogue is to give people those kinds of opportunities. If that teacher would be happy to send the e-mail to me, as well — I'm not certain that she or he or whomever has — we'd be happy to have a look at that.

The fact of the matter is that we're trying to open up the dialogue in this province. We're trying to have those discussions, and we want to have them in a thoughtful and careful way.

[1705]

**J. Horgan:** My concern is that boosterism, although I support it in most endeavours, is not necessarily going to solve some of the problems that parents and teachers have identified in districts right across the province.

I'll change course, because clearly this is not a track that's going to bear much progress. Could the minister advise us when she plans to hold the teachers congress that was announced in three throne speeches?

**Hon. S. Bond:** It'll be this fall.

**J. Horgan:** As it's been announced in three throne speeches, I'll just confirm that the fall would be in 2006?

**Hon. S. Bond:** That's correct.

**J. Horgan:** Could the minister shed some light on what the composition of that event would be, and how widely it will be advertised?

**Hon. S. Bond:** Well, in fact, one of the challenges we're facing is that we're trying to figure out how to be as innovative and inclusive as possible about this. We're trying to decide whether we want to have regional locations so that we would have teachers across the province that would actually be connected via a webcast. We're trying to decide whether we would use the pattern that's been typical with the dialogues that we've held since we've become government, which would include a dialogue at the Wosk Centre. There are a variety of ways.... It might be random selection of teachers; that certainly worked with the Citizens' Assembly.

We're considering, first of all, how the selection process should take place — again, another item I would love to have a discussion about at the round table. That, hopefully, is something we can actually move on to have a discussion about at some point.

We're considering location. Most importantly, we're considering how best to do this. Should we incorporate groups around the province? That technology has been used for a number of other processes, so in fact, we're still sorting out the details of how to do that.

**J. Horgan:** This was announced in February 2005. We're into March now — almost into April. How much more rumination will take place before we can have a clear picture of just what exactly this teachers congress will look like?

**Hon. S. Bond:** I'm surprised that the member opposite wouldn't know that last fall wasn't exactly an opportune time, with the dialogue, to actually have the opportunity to sit down in a positive way and have this discussion at a teachers congress. We're hoping that as we've now got a different sort of working relationship — we hope — in the province, we can work together to make sure it's a success.

**J. Horgan:** The congress was reannounced in the throne speech in September, when I think the government had a pretty clear picture of how the fall was going to unfold. Perhaps then we'll take it as given that sometime by the end of fall, which I think is.... What's the date on that? I get my equinoxes and my solstices mixed up, but sometime before the end of 2006 we'll have a congress. It might be just a couple of people at the Wosk Centre, but it could be larger than that?

**Hon. S. Bond:** In fact, the Wosk Centre holds, I think, about 160 people. We used the Wosk Centre very successfully to bring representatives.... We actually had a great congress there that included Members of Parliament, MLAs, aboriginal leaders. The facility is fabulous. It isn't really the number of people that are in the room; it's actually the views that are expressed there.

We will have a discussion about whether or not the Wosk Centre is the ideal location for the first teachers congress, or in fact, we might use some incredible new technology and look at that type of process. The most important thing is that we want to sit down and have that discussion with teachers from across the province.

**J. Horgan:** It was reported in the *Vancouver Sun* earlier in the week that school districts across the province have been establishing private companies to sell education in Asia. Could the minister shed some light on what her ministry plans to do to audit this or keep track of it?

**Hon. S. Bond:** I asked my staff last week to do some work in terms of the process that might be undertaken. In fact, we are going to do a general review of the policies and procedures that are in place. The decision was made in 2002, and I've said clearly that we need to better understand the process, especially the interface between the companies and the trustees.

[1710]

My staff has prepared a proposal for me about how we might engage a process that would actually see us review the complete process and the policy.

**J. Horgan:** I know that it certainly came as a surprise to some people in my community when we were discussing this over coffee earlier in the week. Perhaps the minister could advise those that are watching at home just how this policy came into place and how we find ourselves now unsure where we're going.

**Hon. S. Bond:** This was an attempt to work with the school districts on an issue that was of concern to

them. We found that school districts were considering being involved in offshore schools, in particular, and they were doing that independently. There were significant, as the member opposite can understand, liability issues attached to that for the school districts. So this was an attempt to encourage school districts to be entrepreneurial and to engage in that type of activity but to do it within the framework of a business corporation.

**D. Chudnovsky:** I wonder if I could pursue this line of questioning just for a few minutes with respect to the conception of the sale of educational materials, educational processes and educational programs as a revenue-generating strategy for school districts. What's the minister's and the ministry's view of the concept?

The minister has said that the policy was brought into place because it was happening anyway. Do we take it that it was a strategy that was endorsed and supported by the minister and the government by the fact that they then brought in a broader policy? Are there or are there not concerns about the notion of business companies as a revenue-generating mechanism for school districts? If there are, what are the concerns?

**Hon. S. Bond:** The fact is that school districts were already participating in activities that were causing significant concerns about liability to school districts. The thinking was, certainly, to prevent and protect districts. The most appropriate way to consider doing that would be through a business corporation. I think the point today is that.... From my perspective, I think it's appropriate to review both the policy and the processes. I have to tell you that I'm surprised, too, when a trustee is surprised by activity that's happening at a particular school district level. That's not acceptable, so we are certainly going to have a look at this.

**D. Chudnovsky:** Do we take it that liability issues are the only issues of concern to the ministry with respect to this revenue-generating strategy, or are there others that might be of concern as well?

**Hon. S. Bond:** One of the other concerns is that it's very clearly stated in the expectations that no core funding can actually be utilized in anything that is public dollars. In terms of a grant, the school district cannot be utilized.

[1715]

One of the things we want to make sure of is that the School Act is being adhered to — that particular section. We want to make sure there's compliance, but in addition to that, we want to go back and just make sure that the processes and the accountability mechanisms are also appropriate. I think it's timely, considering it was 2002, I think, that it was started.

**D. Chudnovsky:** The minister makes an excellent point with respect to core funding. It's difficult to tell from where I sit, but in the media reports, at least,

there's some question as to whether core funding is being used.

But I want to go in a slightly different direction with respect to concerns, because it seems to me that a central assumption of the public education system in British Columbia has always been that to the extent it's possible, we provide equitable opportunities for students. I use the word "equitable" as opposed to "equal" advisedly. We do as well as we can for every individual student.

It seems to me, at least, that a question needs to be asked about the possible successful operation of a business company in a school district in terms of a policy question. It seems to me that if a school district is, by design or accident, blessed with entrepreneurial skills and is able to generate increased revenue, that has nothing to do with the educational needs of any students. It has nothing to do with the educational programs, but it may result in increased resources available to particular kids and particular students simply and only because somebody happens to be a successful entrepreneur.

That flies in the face, it seems to me, of the equity that we are looking for in the system. Is that at all a concern to the minister or the ministry?

**Hon. S. Bond:** I think that, as the member opposite knows, we are concerned about equitable opportunities for students. That, for example, is why we're looking at the use of technology. Even when you look at course offerings — something as simple as that — if you live in rural or northern British Columbia or a remote community on Vancouver Island, there are issues even in terms of the equitable nature of opportunity for students.

I think that's always a challenge we face in the public school system. In fact, we know that's the case because when we talk to PACs, who also fundraise for their children, and companies that provide support.... I think it's a balancing act that always takes place, and I don't think there are easy answers to the member opposite's question.

Our goal as a government, obviously, is to make sure that as we provide per-pupil funding through a formula, we work to make sure that's as equitable as possible. I don't think there's an easy answer to that question, but I also don't think we're going to be able to stop the kinds of innovation and incentive that certain PACs, certain companies and certain school districts actually have and use.

**D. Chudnovsky:** The minister has outlined what seems to me a serious and real challenge for a public school system which we want, and work towards making, as democratic and equitable as we can. She's been very frank, and I think we can agree that issues like fundraising, donations from private sources — individuals or corporations, it doesn't matter which — and business ventures by school districts....

The minister makes the point that I was trying to make precisely, and I would go on to agree with the minister that these are not simple questions. But it

would seem to me that a Ministry of Education for which the issue of equity and the issue of democracy is central would be concerned at a trend towards — and it seems to me we're seeing that trend — increasing inequity, because in some schools and school districts fundraising, donations and revenue from business corporations will certainly be very, very different from what they are in other school districts.

So the question remains — it's a pretty simple question — is that of concern? If it is of concern, what action might the Ministry of Education take to deal with that concern?

**Hon. S. Bond:** Well, I think the member opposite knows that it has been a situation that has existed in public education probably since the beginning of time. It's not something that evolved when the B.C. Liberals became government.

[1720]

I remember very much where my roots began, and they began at the kindergarten door a long, long time ago. Even then, and throughout my time as school board chair, parents, organizations and school districts have always been looking for ways to enhance the funding that the government — whatever government is in power — provides.

So there are those challenges, but I can tell you this. It's not a problem that developed overnight, or a challenge or a situation. In fact, it's the reality in terms of how parents and others want to be supportive to the public education system. They want to do what's great for students. Our job is to make sure that we are providing funding that is appropriate to school districts across this province.

I can only say this — and we'll do it again: it's the highest level it's ever been at. We continue to see increasing per-pupil funding, and we continue to see investment by the government of the day. The question is: would it ever be enough? I think that the member opposite, with his history and experience in the education system, knows full well that there's always room for more. One of the ways that people fundamentally and philosophically do that is by providing support, by supporting fundraising, etc.

Not an easy question. Government's responsibility is to fund, and we've added literally hundreds of millions of dollars to this system over the last number of years and looking ahead.

**D. Chudnovsky:** The minister commented, and I thought her phrase was very telling. She talked about government's responsibility being to provide appropriate funding to school districts. It seems to me that a test of the level of appropriateness of government funding is the perception in school districts of the need to fund-raise, to seek donations and to go out and find new revenue-generating streams.

While the minister is to some extent correct... I would grant her absolutely that fundraising didn't begin with the B.C. Liberals. She's absolutely correct. And pop machines in the schools for the purpose of getting

funds to deal with programs that are happening in the schools didn't start with the B.C. Liberals — absolutely correct. We need to be clear about that. Nor did school district officials and parent volunteers going out and seeking donations from individuals and from corporations begin with the B.C. Liberals. One thing that did begin with the B.C. Liberals was a provincial policy to encourage business companies. That did start with the B.C. Liberals.

Nevertheless, the minister's fundamental point is well taken. There has been for many years a felt need among people who work with schools to get more money into the system. There's never been — in my experience or in my work on trying to understand the system in British Columbia — the push, the need, the perception on the part of people who work with the school system that there needs to be additional funding to the funding that's provided by the province, as there is now. That's never been the case.

That's the issue that we're looking for, and I would challenge the minister.... I believe, notwithstanding very significant differences that she and I have over education policy, that the minister knows and understands that to the extent that we depend on these private sources of funding in our system, we risk a tragic situation, which is the increasing inequality of educational resources available to our kids.

**Hon. S. Bond:** This is a debate that I know we could continue, and it would be interesting and challenging. Having said that, I know the member opposite would know that part of the challenge we face is that there is no finite amount that would ever satisfy many people in the public education system. But I can tell you this. We've added almost half a billion dollars since 2000-2001, at a time when now we have 37,000 fewer students. It's a matter, as the member opposite points out, of perception and very different philosophical beliefs about how to move the system forward.

[1725]

The fact of the matter is: I know parents. I am one, and so is the member opposite, and rightly so. But the truth of the matter is that parents will always want to enhance the public education system for their students.

As far as can I tell, there will continue to be fundraising, but that has to be put in the context of the facts. We are at the highest level of funding ever in this province. There have not been cuts in terms of the budgeting around public education since the beginning of our mandate. Those are simply the facts.

**J. Horgan:** While we're on the topic of creativity and innovation, I'd like to talk about two capital projects. I see the appropriate staff person is ready at hand. They are both in my constituency, one in district 79 — my colleague from Cowichan-Ladysmith is here; I'm sure he'll want to participate in this as well — and one in district 62.

Cowichan high school. I know the minister went for a visit. It's an older building, an older piece of infrastructure. There are innovative approaches to replacing

that school being put forward by the district, in concert with Malaspina College and other elements in the community.

Similarly, in district 62, the topic of the Belmont replacement project, which was brought forward by a land developer and the mayor of Langford.... It was ultimately rejected by the trustees in district 62, but I think that as a template it was an innovative idea and one that I had a discussion with ministry staff about. I'm wondering if the minister could comment on those two schools — the Belmont replacement project and a replacement for Cowichan high school — as two examples that I think would be flagships for other capital projects across the province.

**Hon. S. Bond:** The capital process is well known to the members opposite. These two projects are no different than other projects that are all considered incredible across the province. One of the things we find is that the list of wishes is a lot longer than we can actually fulfil.

In fact, both of these projects have received facility audits, which means that they will join a long list of projects across the province. In terms of priorities, we need to look at those. Recommendations will be brought to the minister in terms of looking at all of the needs across the province. Certainly, we've had two or three members opposite already bring their particular district needs to our attention.

I should also point out that in the case of Belmont, that is the second-highest priority of the school board in this particular district, and that does have an impact. One of the issues that we always look at is: what is the district's highest priority? As I understand it, Belmont is the second-highest priority of the district.

**J. Horgan:** I think that if we asked the question differently of the trustees, we'd get a different answer on that. The staff will know that just last night district 62 passed a resolution to reconfigure the middle-school component in the Belmont area of district 62, which I think materially changes the secondary needs in the community.

Currently there's one 10-to-12 high school in the Belmont zone; it's Belmont high school. With the reconfiguration decision last evening to revert to a 6-to-8 model, the district's plan, I think, will be altered significantly, inasmuch as I'm advised by the superintendent and the board chair that two smaller secondary schools would be preferable to one additional secondary school.

[1730]

The issue in Belmont in my district, district 62, is: how do we now deal with the reconfiguration, and how will that affect the initial school — that has been approved and is in the planning process — and Belmont? Why I want to discuss this with the minister and her staff is that a very creative proposal was put forward to deal with the Belmont site. A private developer was prepared to put up a significant amount of money and build a school in exchange for property. A similar proposal is being developed in Duncan.

I fully understand that members from all around the House will be standing and talking about capital issues with you, but in my community there are two innovative plans for two new schools that I think we should be moving on right away.

**Hon. S. Bond:** We just need to make sure that.... From the information that we have from my staff, there is a capital plan — it's on our table — on record from the member opposite's school district. Belmont is second on their priority list.

Obviously, should they choose to approach the capital plan in a different way, they are more than welcome to submit an amended plan, and we'd be happy to have a look at that. In terms of the innovative plan and proposal regarding another partner, a swap of land and a variety of things, no proposal has been made to us that incorporates that.

Our job is to respond to the needs that are identified by school boards. I know the change took place only last night in terms of the reconfiguration. We'd be happy to consider an amended plan. That's part of the process that's used with capital planning, but the current plan does list Belmont as a second priority.

**J. Horgan:** I thank the minister. I do understand that the current plan, which is being shown to her at the moment, would show just that, but — as she would know, as a former chair — deliberations and consultations take place with an expectation that a particular outcome might be realized.

That was certainly the case with the reconfiguration. There was broad support in the community for that, and people start to plan in advance of a final decision. Certainly, that's the information I was getting from staff at district 62, as well as from elected trustees.

I think the minister could expect, then, an amended plan, although I think there will be a desire for some certainty that the planning process already underway for the new secondary school in district 62 would not be jeopardized if an amended plan came forward to address the Belmont replacement. The rationale for the Belmont replacement was the seismic money on the table, which is significant, to repair a school that really should be replaced.

**Hon. S. Bond:** Well, the answer to that question is: the decisions are made on the basis of need. That's exactly how we make the decisions regarding which plans, which projects move forward. Again, we'd have to have that discussion in the context of an amended plan if it should be submitted.

**J. Horgan:** Hon. Chair, last fall the minister undertook to allow me access to her staff on this issue, and I availed myself of that opportunity. We had a fulsome discussion, and it helped me inform the district. Of course, the power relationship between districts and capital staff is what it is. I know you'll be surprised at this, but people are quite often intimidated by the prospect of amending a plan for fear that they'll lose

the ground that they've already made. So if the minister will give me the assurance that I have access to her staff and her ministerial assistant in hand, I'd be delighted to discuss the Belmont issue off line.

On the Cowichan high school, I know that the minister visited Cow High. It is a high priority for the district. Although 79 is a declining-enrolment district, there are pockets of growth in the South Cowichan, where Frances Kelsey high school is located — a dynamic and very successful school in my constituency.

[1735]

The choice issues that I hear of often from the minister are leading people to prefer Kelsey over Cow High if they can do it. So I think the challenge in the northern portion of my constituency, and the bulk of the constituency of my colleague from Cowichan-Ladysmith, is a pressing issue. Could the minister give us an indication of what the status of Cowichan High is?

**Hon. S. Bond:** The answer would be the same as with the other capital projects we've discussed. Obviously, we make the decisions based, first of all, on need and on the condition of existing buildings because that's how we prioritize. So in fact, this particular project would be in the same lineup, so to speak, as other projects that other districts have put forward. It's never easy to look at the wide number of projects that come from across the province and to make those choices.

Ultimately, we look to the school district first to identify their highest priorities. We then prioritize based on need and on the existing quality and situation within existing buildings, so this project would be in line with dozens of others around the province.

**J. Horgan:** I thank the minister, and I do understand that. I understand fully what she's saying, and I have some experience in this area.

But what I wouldn't mind having a brief discussion on in the few minutes we have available is the notion... We all understand this. Real estate values, certainly in southern Vancouver Island and in the lower mainland and in fact right across the province, have gone through the roof. Districts are now faced with holding old buildings on extremely valuable land, when they can get less valuable land, build a better school and in some instances, with public-private assistance, perhaps turn a profit.

So are the minister and her staff entertaining various innovative ways to deal with the equity that school districts have in property to improve the infrastructure that our students are learning in?

**Hon. S. Bond:** Well, we do want to encourage creativity and looking outside the box in terms of how we build projects. There's a really good reason for it. The member opposite points out the fact that we have real estate prices going up, but frankly we have a lot of other issues happening too. What it's doing is causing a major crunch when you look at trying to use capital dollars in this province right now.

When you think about the escalating costs, for example, of steel and concrete, we have a finite pot of dollars. So in that need we see across the province, we also have to calculate the fact that the dollar isn't going quite as far as it was before. Of course, we're going to face some challenges as we look at trying to meet capital needs across the province — because of the booming economy, the skills issues and all of those kinds of things.

There are a number of things that we have to consider, but school districts are doing some innovative things. I know that my own school district, for example, is actually going to self-finance a project because we knew that they needed to look beyond the normal way of doing those things. We celebrate that, in fact. We want to encourage that kind of creativity, but we have to point out that that work is typically done at the school district level, where they make decisions about how best to bring forward those proposals.

We are going to continue to fund capital projects based on need, and as I suggested earlier, the list of need is a whole lot longer than, obviously, a finite pot of dollars will actually stretch across.

[1740]

**J. Horgan:** So I can conclude, then, that outside the box is just fine? Can I also conclude, although I didn't actually hear the minister say it this year, that I could have the opportunity to sit down with her staff once again and look at these two issues in my community?

**Hon. S. Bond:** Yes to both.

**J. Horgan:** Last year it was a telephone call, and it's never quite as satisfying as exchanging doughnuts and coffee. Could there be a face-to-face meeting, since I live in the capital regional district?

**Hon. S. Bond:** I could tell the member opposite that I have an amazing team — an amazing capital team, in particular — and I think they would be delighted. If you brought the doughnuts, they'd be happy to participate in that process.

**J. Horgan:** I shouldn't have said doughnuts. I'll amend that offer. I'm renowned in our caucus for carrying a bag of carrots wherever I go, so I'll bring the carrots and the vegetables. I'll be meeting the Premier's goals and my own at the same time. I thank the minister for that.

I know we only have a few moments left before we break for the dinner hour. I didn't mean to spend as much time on my own personal projects, and I apologize to my colleagues, who are anxious to discuss issues with the minister. But I wanted to talk about the education reports being produced by the ministry. I find them very informative and useful, and I'm wondering if the minister could tell me who is producing them.

**Hon. S. Bond:** I'd like to claim credit for all of the writing parts myself. I do write the parts that I actually say in there — that's a very good part — but in fact it's a collaborative venture. Obviously, I put together the suggestions about what goes into the actual education report, and then our communications shop puts it together on a page for us.

**J. Horgan:** I wasn't trying to catch anyone out. I write everything that ever comes out of my mouth as well, and I know the minister does.

It was part of a series of questions I was asking yesterday around the \$2 million for advertising and the reporting relationship around communications. I just wanted to know if this was an example of the corporate communications on behalf of the ministry that we can expect — i.e., done by the public affairs bureau rather than line staff. I'm assuming that if I were putting this together, I would ask line staff for the details, and I'd send it over to the wordsmiths. Is that the case?

**Hon. S. Bond:** We were talking about the value of that, and I'm just delighted to know that my staff actually reads it. They inform me that they thought it quite informative, so that's a good thing.

The member opposite has described it quite well, actually. What it is, in fact, is an opportunity for us to communicate. We thought that what is important is that we also want feedback, and so there is a place you can go on our website and actually sign up for it. It's not that we send it to thousands of places other than through our e-mail system.

But, in fact, yes. We actually put the content in place, and then it is in essence desktopped — or however you describe that — through the communications department of my ministry.

**J. Horgan:** The communications shop of public affairs bureau?

**Hon. S. Bond:** Right.

**J. Horgan:** I think, before we break, I'd want the public affairs bureau to know that I'm on their mailing lists, and I'm sure they'll take steps to resolve that in short order.

Hon. Chair, I've got nothing more to say at this time.

**The Chair:** Committee A will now stand recessed until 6:45 p.m.

The committee recessed from 5:44 p.m. to 6:49 p.m.

[H. Bloy in the chair.]

On Vote 24 (*continued*).

**J. Kwan:** First, I'd like to ask the minister some follow-up questions from the estimates process in the fall of last year. I asked the minister a number of ques-

tions related to issues concerning the Community LINK funding for inner-city schools; the lack of administrators at inner-city schools, and particularly, how it impacts safety on the school grounds; and the issue around what the minister is doing to stem the loss of social workers, community workers, youth and family workers and multicultural workers, and how that is impacting our school system.

[1850]

ESL training — students who may need more than five years of ESL training and the difficulties the schools are having in identifying these students and providing the support they need. Special needs education funding and how parents at inner-city schools are affected by their inability to afford to send their children to special sight tests or other testing. Junior kindergarten programs and whether or not the minister will be looking at funding all the kindergarten programs that target special needs, ESL and aboriginal children, particularly in the inner-city school areas. Then finally, the issue around the HIPPPY program funding at Britannia.

The minister, from the last set of estimates, had committed that she would send me information in response to these questions in much more detail. However, to date, as far as I can tell, I have not received that response from the minister yet. I just want to check and see whether we somehow didn't get the correspondence. Has it been sent already? Or perhaps somehow it didn't actually make it on to the list of things to do. If that's the case, then I guess I would ask the questions around that.

**Hon. S. Bond:** Certainly, I would have expected that that information had been dealt with. Our staff, I think, has been absolutely outstanding at getting information back. We'll clarify whether or not that was done. I think we do have a document that has those questions with some answers. I'll double-check for the member opposite. Certainly, it was my expectation that that would have been taken care of.

**The Chair:** Member.

**J. Kwan:** Thank you very much, Madam Speaker. Sorry — Mr. Chair. Oh my, it's been a long day already.

The one correspondence that I did get back from the minister arising from the estimates debate last time centred around standards for replacing school buildings. There's one piece of correspondence that I know I do have. But with respect to the other issues, as far as I can tell, I have not seen the response back. If the minister could check into that, I would appreciate it. If somehow, for whatever reason, the thing got gapped, if the minister could respond back to those issues.... And of course, one could refer back to *Hansard* around that. Then I wouldn't have to ask all those questions again for this purpose.

I do want to follow up, though, on the issue around standards for replacing school buildings. I raised the

issue last time, in particular about a school in my riding that was undergoing some renovations. They were very challenged with the limitations around size. I understand that size and standards do apply. However, let me just put this on the record for the minister's consideration specifically around the challenges with this school. I'd like the minister to respond to that beyond the correspondence that I got from the minister around the issue of standardization.

This is in reference to Dickens School. I'm just going to put on record some of the challenges.

As far as we know, it is our understanding that there is a standard size allowed for each new school that is to be built. Classrooms have to be a specific size, the lunchroom space a specific size. There must be special education space as well. At Dickens, currently, we have about 5,200 square metres. The size of the new replacement school will only be about 3,400 square metres — quite a considerable amount less.

In the allotted space, there is 100 square metres allowed for a lunchroom. The current lunchroom right now is around 200 square metres. Of course, the students eat in shifts, because all the kids can't fit in the existing lunchroom already, as it were. The lunchrooms in the new schools are part of a multipurpose room space, which is 100 square metres. That is to be used for lunch and other non-enrolling uses as well.

Dickens has a hot lunch program, which has a larger kitchen with all the equipment in it, etc. What is wrong with this picture is that the lunchroom is too small for the population that is now at Dickens. If the idea is that the children have to eat in their classrooms, how is the hot lunch program to be delivered? Kids do carry trays of hot food, juice, milk, etc., all the way from the lunchroom through the school to their classrooms. How are the trays to be returned there? These are just some of the practical challenges the school would face in that scenario.

We have a very strong music program here. To have it in the multipurpose room area would not be suitable, because there is no way the program can go on, materials, etc., stored away to allow for the lunchroom to be set up by the engineer, then floors washed, lunchroom cleaned, etc., and be ready in time for the afternoon classes.

[1855]

There's not enough turnaround time for that kind of use, so that causes another level of problems for that school.

There are issues with the WCB around noise, especially for workers that work in the kitchen. This will pose an additional problem. This space, too, is used for after-school day care, and there's no storage space for any of its materials, cooking supplies, games, toys, puzzles, etc.

At Dickens we have chosen to make the lunchroom approximately 200 square metres to allow for more space for lunch programs; however, that is at the expense of the rest of the school. The staff room has to be smaller. Right now the current staff room does not hold everyone in it. With upwards of 22 student teachers here from the university, we have no room. The new proposed staff room is approximately two-thirds the size of the current one, so it will be too small.

The size allotted to the library is also too small in that there is a class in there doing work, and another class comes in and out to exchange books. There isn't

enough space, so we have had to borrow from design space — hallways, open spaces — to add more to the library.

The special ed space is the size of a classroom. There is not enough space in the new school to run a learning assistance centre, English language centre and a space for the area counsellor and youth family worker to work with any groups larger than five or six children. Some spaces will have no windows. There is very little allowance — for people around issues — for speech language pathologists, psychologists, first nations support workers and the like and to have any kind of workable space to allow for that range and magnitude of support staff.

Storage is another issue. Where does all the paint, photocopy paper, general school supplies go? Very little square metres are allowed for this in the new plans — I believe 70 square metres, which is not a lot.

The main office is also very small. The main office, the principal's office, the vice-principal's office and the nurse's room, along with the teachers' mailboxes, filing cabinets, sitting area, counter space, etc., is about the size of a regular classroom. It is not large enough. The nurse's room has a space for a cot, a sink, a toilet, and no space for medical supplies, cupboards and scales.

There is no allowance made for covered areas outside. Vancouver is very wet, as we all know, and there will be no dry, covered areas outside for the children to play under on the rainy days.

The staff, parents and I have been working incredibly hard with the Vancouver school board and the architects trying to get Peter to pay Paul in terms of space. We have given up so much of what we have to fit into the new space of the school. As far as the heritage....

Anyway, I'll just stop there. There's another issue around heritage. I think this gives the minister some sense of the challenges of how everybody's trying to juggle and rejig everything. In spite of that, they continue to present problems. I know that in the minister's correspondence to me, there's some suggestion that if one needs more space, the Vancouver school board can look to see how they can provide for that.

What I'm asking, though, in this instance, if we're building a new school and we're planning that for the future.... Given the population base in that community, the anticipation is that there will be the children there. Already, as it were, with the existing school, where the size is actually bigger than what the proposed new school would be.... That one's already inadequate. I wonder whether or not there's any way in which special provisional flexibility could be applied to accommodate the development of this new school.

[1900]

**Hon. S. Bond:** Thank you to the member opposite for sharing that particular story about that school. In fact, the standards that actually see the building of buildings in this province have been in place since 1988. What happens is that the school board, first of all, makes a decision about whether or not they would consider a renovation or a new building.

The new building started out, actually, as a seismic renovation. In fact, the school board decided that it wanted to build a new building. What happens is that the board and the ministry agree on the size of school

that's necessary based on population. There is some planning and consideration for future growth.

Certainly, we can simply say to the member opposite that the standards related to space and the utilization and building of buildings are the same today as they were in 1988, except for a slight adjustment, which actually added some space, in 1996. The circumstances for this school in terms of the actual facility would be no different than any of the other schools built across the province.

The other point I'd be happy to bring to the member's attention is that should the school district want to reconsider how the building moves forward, there is always the option of considering the reno, which is always challenging with an older building. There are two routes to getting facilities redone. One is a renovation, and one is a replacement. If there's new information the member would like to share or some other direction the district would like us to consider, certainly, we would be happy to do that.

**J. Kwan:** I'm glad the minister actually mentioned the issue around renovations, because with this school there's another issue related to it — that this is a heritage building in the sense of upgrading. In fact, the cheaper option is actually to replace the school.

It's a challenge for the community as well, because many people actually do want to keep the existing heritage building, the building that has heritage value. The problem is a financial one. I don't know. Maybe there is a way in which they could actually get more money into the system than to build a new school. That way the size of the school would actually be larger, because the existing school is larger than the proposed new one.

That is a major problem, and there was much debate in the community around that. If the minister can tell me there's some way in terms of financial support from the provincial government to maintain the existing school and upgrading it, so therefore, we can retain some of the size issue, I'd be happy to bring that information back. But I know that this issue centred around financial constraints. That's why the option of going with a new school was chosen.

I know that the minister says the size was set back in 1988. Well, it is now 2006, and things have changed. Things are different in our scenario today. Part of it is around flexibility, which I know that this government likes to talk a lot about. In this instance I'm asking the minister to use flexibility in terms of the development of the new school and particularly with some of the problems I've highlighted, which I think are very legitimate, related to Dickens School.

**Hon. S. Bond:** I think the key element here is that the school board has made a decision to move forward with a replacement school. What I'm saying and offering to the member opposite is that if there is something that would have us reconsider that, the board would need to come back to the ministry to suggest: "Here are some things we'd like you to consider."

Obviously, one of the considerations would be the utilization of the dollars that would be required for the replacement in a renovation. There is always the opportunity to have that discussion, but it has to be the board that comes back to the ministry to say: "We'd like to consider a different option," or "We'd like to have a look at this again."

[1905]

In terms of standards, the issue is this. There are standards in place to which all schools across this province are built and have been built since 1988. The fact of the matter is that everyone would like to see variation and changes and "I'd like a little more of this and a little less of that." You can imagine that that would create quite a complex process. These buildings serve students well across the province.

So we're happy to consider the board coming back and asking us to look at this in a different way. But at this point, that's the direction the board has decided on.

**J. Kwan:** Yes, the board had decided on that direction because of financial constraints. The financial constraints are such that if you renovated, took the money for the new school — that same pot of money — you could actually achieve less in renovating the existing school. Therefore, they made a decision that it should be a new school because you could actually get more for that.

The problem here is around the size. I fully understand that standards need to apply. But I think we also need to understand that where standards do apply and it becomes a problem for a particular school, then there needs to be some ability to adjust to that.

Is the minister saying that if the Vancouver school board came before the minister and asked for allowances to address the challenges that Dickens is faced with, they can potentially get more funding? So they can vary the size and actually increase the size, in some way, to better meet the challenge they face and that they would somehow be able to get more capital dollars to achieve the goals that the school — and I know the school district as well — wants to achieve?

**Hon. S. Bond:** To reiterate, if the school board is interested in having a discussion with us about whether or not the renovation, and looking at what that might do, would enhance and solve some of their problems.... As I've suggested, we would consider, as we have in other projects, investing the cost up to what it would cost to do a brand-new building.

Having said that, if the school board — and many boards are doing this across the province — has assets that are surplus to them, we would also consider having a discussion about partnering in terms of their providing some additional resources for us to have a look at how to do that. So we're prepared to sit down and have a discussion with the school board. But the envelope in which we are operating is the envelope of the cost of the new building.

In terms of the space standards, those are the standards that we would certainly expect to adhere to.



Having said that, if the district has assets that it's willing to consider selling or investing — and many districts are doing that, to look at their capital projects — we'd be happy to have that discussion with them as well.

**J. Kwan:** Just so that I understand the minister correctly, is she suggesting that if Vancouver school board is prepared to give up some sort of asset and in exchange the ministry will then consider providing additional financial support for the school district's capital development, such as the one that's needed in Dickens school, that's the only way in which the minister would consider providing additional support?

**Hon. S. Bond:** No. I want to be clear with the member opposite. The envelope within which we are operating is the cost of the new building. That's our envelope. If the school district is prepared to sell or has assets in their capital reserve, they could partner with us, and they would fund the cost above the ministry envelope.

[1910]

**J. Kwan:** I'm sorry; I apologize. I'm just being called to the other House to debate Bills 13 and 18 that are coming up, so I'm going to have to stand down. My colleague the Education critic is going to ask a follow-up question on these issues.

**J. Horgan:** I know we have canvassed these issues prior to this point in time, but the member for Vancouver-Mount Pleasant is anxious. She's been urged by PACs in her constituency to read this onto the record, so I'll do that now.

I'm writing to let you know that many parents are really concerned about what school-centred leadership means in upcoming Liberal legislation. We are concerned that BCCPAC will say, "as the voice of all parents" —

That's in quotations.

— that we support this. Many PACs have boycotted joining BCCPAC at all this year, since their statements about there being no crisis in the classroom during the job action in October 2005. We are surprised that trustees and principals are not more concerned about what the possible implications will mean to their districts and their schools.

We are concerned that the ministry is downloading. Many schools, particularly inner-city schools, do not have fully functioning PACs or SPCs, who are now supposed to have a greater say in how schools are run. Some principals may be able to take on the role of school CEO, outlined in what little information we've been given about school-centred leadership, but many are definitely not prepared. In addition, this role seems to be getting further and further away from education and the classroom.

Thank you for bringing this up in the Legislature.

That's from the David Livingstone PAC. Those are certainly the views of many PACs and parents across the province.

We're going to have a further discussion on that as the evening progresses, but I wanted to — on behalf of my colleague from Mount Pleasant — read that onto

the record. With that, I think we could just perhaps delay an answer till later in the evening when we bring up more detail on these questions.

**D. Routley:** Earlier in the evening before the break, the minister made the statement that no funding cuts have been made since the B.C. Liberal government took office. I wonder if she could repeat that claim.

**Hon. S. Bond:** I'd be happy to repeat the fact that the budget for the Ministry of Education has increased over \$400 million. We've had increases since the day we became government.

**D. Routley:** This may sound slightly facetious, but it's not meant in that fashion. I think if that is true, the minister would do well to administer the allowance that I give to my ten-year-old daughter, which is \$15 per week. Perhaps the minister could raise that to \$20 per week, and I would enjoy the benefit of my daughter paying my hydro costs; paying my MSP premium costs; paying my accountant at the end of the tax year; paying for my own salary increase, should I be lucky enough to receive one. Or perhaps her mom, as a teacher — her salary increase could be paid out of her allowance, because indeed that's exactly what has happened in British Columbia.

In fact, since the B.C. Liberal government took power, just in 2004-2005, there was a 7.23-percent increase in the electricity rate. That increase alone resulted in an additional \$2.5 million cost to school districts that year. The same year there was the unfunded teachers' salary increase of 2½ percent. That year's share of that cost was \$73.7 million. MSP premium costs had increased in that year by \$18.3 million.

When these costs, which total \$94 million.... Sorry, I should add the generally accepted accounting principles cost, which was \$35 million.

[1915]

When all those things are added, the cost of operating public education increased. So despite the claims from the Minister of Education, the real costs to districts increased far beyond any funding increase. That, I would argue, is why thousands of teachers were laid off, over 130 schools have been closed, and we have lost a greater proportion of teachers, librarians and other professionals than we have lost students. Can the minister dispute that?

**Hon. S. Bond:** I choose to stick to the facts that suggest and point out that education funding is at the highest level it has ever been at in British Columbia. In fact, we've seen per-pupil funding rise to its highest level. The budget for public education today is \$5.19 billion. That's actually a 12-percent increase from 2000. The amount of increased funding is \$7,207 per student in 2006-2007. That's a \$114 increase per student in this province this year and \$991 more per student in the province.

Our estimated operating budget is \$4.055 billion to schools. That's a \$20 million increase from 2005-2006.

We've actually seen \$488 million added to the B.C. public schools budget since 2000-2001. That includes \$335 million in operating grants and \$153 million in one-time grants.

We've had \$700 million for the 2005 through 2008 capital plan, including \$217 million for 2007-2008. We have a \$1.5 billion budget for a 15-year plan to upgrade schools to make them earthquake-safe — the first time ever, I think, that we've had a seismic plan in this province to actually deal with those issues.

Let's balance that against what happened to the enrolment in the school system during the period of time when funding was going up. If we look at the graph, enrolment was going down. Let's talk about how dramatic that was. There are 560,741 public school students estimated for 2006. That would be 7,000 fewer than in 2005 and 37,000 fewer than in 2000-2001. That is the actual record.

**D. Routley:** I anticipate that the minister would then tell my daughter that \$20 is the highest amount that she has ever received in allowance in one week. But that would not change the fact that I had downloaded costs far in excess of that increase.

For the minister to refer to a reduction in student enrolment points to a cynicism built into the B.C. Liberal education funding formula. This government knew demographically that student enrolment was decreasing — only 2 percent, mind you, but it was decreasing. This is the time when this government decided to attach funding on a per-student model.

Districts all over this province have been fighting ever since with the fact that when they attach the funding per student and we suffer a reduction in the number of students, the heating bill doesn't go down. It goes up. The transportation bill doesn't go down; it goes up. The wages of teachers didn't go down; they went up. None of that was accommodated by the funding formula, so in the end, districts had to make deep cuts in the classroom to accommodate this new funding formula. That is the real fact.

In fact, the minister refers to the student enrolment decline. From the year 2001-2002 there was a decline of 2 percent of our student population. Over that same period we lost 7.7 percent of our classroom teachers, enrolling teachers. We lost 17.5 percent of our special education teachers. We lost 23.4 percent of our teacher-librarians. We lost 9.5 percent of our counsellors. We lost 34.5 percent of our continuing education teachers. We lost 27.4 percent of our career program teachers, and we lost 20 percent of our ESL teachers. Clerical and support staff were reduced by over 10 percent — this over a period when we lost 2 percent of our students.

[1920]

So for the minister to encourage me and other British Columbians to believe that funding has never been greater in this province in education.... We would have to reach deep into our high school reading history for a book by George Orwell to accept that more funding and fewer students should equal fewer schools, fewer

teachers and fewer services to students. That just doesn't add up to me and the average British Columbian.

Can the minister explain how we end up in a situation where...? The minister tells us we have more funding, and yet all of these cuts were necessary. Why were they necessary? The question I should be asking is: is the minister telling us that school districts don't know how to manage their money? If this government put more money into education and there were fewer students, then why are there more children in my daughter's class? Why are there more special needs children in my daughter's class — unsupported? Why did those things happen?

**Hon. S. Bond:** As I have offered to all of the other members opposite who've brought forward those classroom situations, I'd be delighted to take the member opposite's daughter's classroom and go back and ask the questions about the size of that class. I'm happy to do that.

But for the record — and the member opposite can choose to deny the facts, and obviously that's what's happening here — let me read once again for the member opposite. I remember, actually, a very similar discussion with the member opposite the last time we came to estimates. This time we actually have more funding in the education budget than the last time he asked these questions.

Let's try it again. So \$5.19 billion in the education budget, which in fact is a 12-percent increase since 2000-2001. That means that we have the highest-ever increase in terms of funding and also per-pupil funding. We see the students, and the school districts across the province are receiving 991 more dollars since 2001 for every single student in their school districts. In fact, the operating budgets have increased, and they now are at \$4.055 billion. We've seen almost half a billion dollars of increase to public.... Okay, let's say that again: more than almost half a billion dollars of increase to public education funding since 2000-2001.

In addition to that, we have the capital budgets that are significant — a seismic plan, which is actually the first in this province. Despite the fact that there have been seismic needs across the province for a number of years, we actually are the first government to put a 15-year plan in place. In fact, the cost of that will be \$1.5 billion.

I'd be happy to take the information about the class that the member opposite is referring to, and I will continue to refer to the facts that are very straightforward in the budget documents. It's simply a matter of reading the numbers.

**D. Routley:** Again I'll go back to my daughter and explain to her why \$20 is the most money she has ever received for her allowance per week and why she has none left when she pays for all those additional costs that I listed.

The minister has accused me of ignoring facts. I would suggest that the minister is misinterpreting facts quite conveniently. Why was there a strike in this province in education? Why did the public get behind the

teachers and their claim that classroom conditions were suffering? Were parents imagining these conditions? Were school trustees imagining this circumstance? If they were, they're pretty creative.

School trustees have called for fair and adequate education funding. They've called for no more cuts repeatedly. B.C. school trustees annual general meeting, 2004 — just a few of the motions that were passed that related to funding in this system — increased funding for school districts. They called to provide funding to school districts that is adequate.

I wonder why they would do that. If the funding was adequate, if more funding was there than had ever been there before and we should be jumping up and down and celebrating that fact, then why were the school trustees of this province taking this government to task over its funding? Another creative imagination on their part? I doubt it.

[1925]

If this government had increased funding to the highest levels ever and if it were adequate, why did the school boards of Langley, Richmond, Vancouver, New Westminster, Coquitlam, Powell River, Central Coast, Prince Rupert, Gulf Islands, Nanaimo and Cowichan Valley — where I was a school trustee, Coast Mountains, Vancouver Island West, Vancouver Island North and Alberni...? Why did all those districts...?

Let me count them, because I actually rushed in here: one, two, three, four, five, six, seven, eight, nine, ten, 11, 12, 13, 14.... Fifteen school districts passed non-confidence motions in this ministry and this government. Why? If funding were adequate and if funding were indeed at the highest levels, why did those school districts pass those non-confidence motions? Why did the school trustees of this province pass dozens of motions over the last three years complaining about chronic underfunding? Why?

**Hon. S. Bond:** Well, I can remember.... Maybe the member opposite has forgotten that I, too, was a trustee. Guess when that was. That was during the glorious 1990s.

I can assure the member opposite that there has probably never been a school trustee in this province who would stand up and say that they thought there was adequate funding. I can remember that there were school boards that lobbied the previous government continuously. And I just absolutely can't imagine that there is a trustee — either today, in the past or in the future — who will stand up and suggest that public education has adequate funding.

The facts remain the same. Education funding is at the highest level it's ever been at in British Columbia. We've seen a dramatic decline in enrolment, and despite the member's attempt to minimize the number of students that have been lost in the system, let me speak personally for a moment about the district that I once represented as chair.

Since the time over the last five to six years, that school district alone has seen a decrease of probably between 4,000 and 5,000 students. Does that change the challenges? Absolutely. In fact, that phenomenon is

being felt across this country as we speak, as school boards across the land are faced with the challenges of dramatic enrolment decline despite the attempt to minimize the impacts of that on systems.

And to suggest that we can look at the staffing resources? Let's look at the fact that we're losing students dramatically, and that will continue for the next five years — in fact, another 30,000 students. What did this government do about that? Last year they actually invested. We invested \$150 million in a system that had seen a decline of 30,000 students. That is core funding. It will continue to be in the system.

Let's also point out that as we move forward to the hopes of finding a negotiated settlement in this province, which is our hope, those dollars are not yet in this budget. In fact, they will be incremental to the \$5 billion budget that sits on this table this afternoon.

**D. Routley:** Thanks to my colleague the critic for allowing me this time to ask these questions that I think are important to British Columbians. I think it's really important to people that somehow there's a reconciliation between the reality of funding and the reality in the classroom.

The minister has talked about the '90s, and from 1997 to 2000 there was approximately a \$1,400 per-pupil real funding increase. Since that time, we've seen a steady decline in funding. So the minister is selective when she speaks about numbers and education funding.

Finally, if I allow, for the sake of this argument or debate, that education funding is at the highest level ever.... If I accept the minister's claim, then isn't that indeed a condemnation of the achievements of the B.C. Liberal government in education? If indeed this government is spending more than ever on public education, then why have the schools been closed? Why have the teachers been fired? Why are there more special needs students unsupported in classrooms across this province? Why are there thousands of classrooms which were over the class-size limits that used to exist in the teachers' contract?

[1930]

Why is my daughter, and the other children of British Columbia, receiving reduced services if indeed this government is spending more? Isn't that a condemnation of their achievements?

**Hon. S. Bond:** First of all, I can't imagine anyone standing and suggesting that there's a condemnation of the public education system. British Columbia students are the best in the world, bar none. In fact, we have record achievement rates in this province. The member opposite may want to not pay attention to that. Our students are graduating at 79 percent. That is the highest level ever in the province.

[R. Cantelon in the chair.]

Our aboriginal students have seen an increase in their achievement levels by 6 percent. ESL students are succeeding at rates that are improved. We're seeing

ESL students at the highest rate ever — 82 percent — in this province. In fact, I would absolutely not condemn what's happening in the public education system. There are extraordinary things happening every day.

The member opposite may want to be in denial. There is a simple sense of mathematics. This is the highest budget ever in the history of this province. There are fewer students in this province — by 37,000. Core funding is increasing. Enrolment is continuing to decline. The member opposite can choose to interpret those details however he chooses, but the facts are black and white. This is the highest-ever level of spending on public education in the history of this province.

**D. Routley:** Finally, I'll invite the minister to explain to my daughter why she doesn't have more money from her \$20 allowance, despite the fact that she's paying all those increased costs. We lost 2 percent of our students and a grossly disproportionate number of the professionals who served them. Those are the facts.

**B. Ralston:** I wanted to ask the minister some questions about community schools. In a report by David Hay dated September 2002, to the Ministry of Children and Family Development — that's where community schools resided within the government structure at that time — one of his conclusions was: "Community schools, where education and learning are connected to the broader community and sometimes to other programs and services, are the most successful school-based service program."

There was a recommendation that the ministry consider broadening the current community schools model to include an integration of related human services. I'm wondering if the minister can advise us: what's the present status of the community school program within the ministry? What plans, if any, are there to expand funding for it?

**Hon. S. Bond:** In fact, our ministry is now responsible for the Community LINK program, which does provide funding for vulnerable students. That happened approximately.... I think it was a year ago. The current funding level is \$45.4 million. At the time of taking it over, we actually added \$10 million to that. So for that program there was an additional \$10 million. We continue to hold that budget line.

[1935]

You know, the member opposite asks about how that program is working. We find that, actually, it's extremely effective, and what's really important to us is that school districts actually seek partnerships with enormous numbers of agencies and volunteer agencies and non-profits to serve the vulnerable students that are in their communities. For example, we send the money to school districts, and they have the ability to make decisions about how best to use those dollars.

I can give the member opposite some of the examples. Obviously, some of the resources go for programs for vulnerable children in inner-city schools. There are meal programs that include hot lunches, bag lunches.

There are programs to help keep our students in school. There are programs that work with elders, to support student success. There are homework clubs. Again, the discretion around the funding is left with school boards and with local decision-making.

As I've suggested, the current budget is \$45.4 million. We increased that \$10 million last year.

**B. Ralston:** Can the minister advise what portion of that is directed to the school district in Surrey?

**Hon. S. Bond:** The Community LINK funding is just one program. There are other funding levels that we can discuss about Surrey. But Community LINK in Surrey, the community schools program, receives \$2.7 million.

**B. Ralston:** Can the minister advise: what's the relation of that particular program to the School Community Connections program?

**The Chair:** May I ask the member to remember to recognize and address questions to the Chair. Thank you.

**B. Ralston:** I'd like to direct it in the third person. I'm asking the minister that question. Thank you, Mr. Chair.

**Hon. S. Bond:** School Community Connections is a program where \$10 million, additional to the \$45 million — so we're now talking about a separate program, as the member accurately points out — were dollars where a partnership was created between the Union of B.C. Municipalities and the B.C. School Trustees Association. They currently preside over the utilization of those dollars.

It's a proposal-driven process. There are three steps to any proposal. But the fundamental point of the School Community Connections program is really an opportunity to look at how to utilize underutilized space in school districts across the province. So, together, partners come to that particular fund of money with ideas about how they can perhaps partner on an early learning program or some type of healthy schools program or a healthy community program. Really, those are proposal-driven. There's no assumption that those dollars are allocated in any particular way.

**B. Ralston:** Do I understand correctly that the basis of that program is that 75 percent of the funding has to come from sources other than the fund itself?

**Hon. S. Bond:** To keep things moving, so I don't take a lot of the member's time, I don't know the criteria. I think there is a matching component. So we will get that information.

There is a three-step proposal process, and there are three grants available. There's a \$5,000 grant called making connections. That's to actually help with the proposal, the development of it. There's the building

connections part, which is \$40,000. Then, completing the connection is \$125,000. A program can move its way through those three stages.

The member opposite may be quite correct that there's a matching component. We will find out what the percentage would be.

**B. Ralston:** Perhaps I can just identify to the minister what my interest is here. There is a program in my riding at Hjorth and Holly schools. There's a fellow named Stephen Boyd, who is the community coordinator of that particular community school program.

[1940]

The demographic profile of the students is: 70 percent at Holly are with family incomes of less than \$30,000; at Hjorth Road, 61 percent. Families on income assistance: 42 percent; Hjorth Road, 39 percent. Percentage of ESL students: 61 percent; at Hjorth Road, 41.3 percent. The programs range from programs for infants from birth till age three, through school-readiness programs, reading-readiness programs, adult education, adult recreation. It seems to be a very effective use of education dollars. In addition, there's a community-based council that helps to administer it and then establish a firm connection with the community.

Now, in Surrey-Whalley there are a number of other schools that would fit a very similar demographic profile, I suspect: Bridgeview, Old Yale Road, K.B. Woodward, Mary Jane Shannon, Forsyth Road, Riverdale and Cedar Hills. Formerly, some of those schools were community schools. In the core review in 2001-2002 some of those programs were ended.

My question to the minister is: if I were asking for assistance in advancing community schools in that particular part of Surrey where I think they are particularly suited, would be particularly effective and would accomplish both educational and community goals, what advice would the minister offer to the Surrey school board or to the people I represent in Surrey-Whalley?

**Hon. S. Bond:** I do appreciate these questions, because I know the importance and the validity of these kinds of programs. I should tell the member opposite that in the district review, Surrey was congratulated and quite lauded for the work that it does in these particular schools that have vulnerable students. I think it's important to know that we are committed to this type of funding. We do want to see how we can help and assist more students in these circumstances.

The principle of the funding.... I just confirmed this with my staff. I wanted to make sure I got this accurately. The money is sent to Surrey, and Surrey would choose how to utilize those resources and in which schools they might be used. So again, I think it's important to connect with the school district about that. But I think the member opposite should know we will continue to have dialogue about that kind of service to students.

The other thing we're contemplating.... I really appreciated the comments about "from zero to three," and

also adult. It's very much the concept that we're looking at, along with the Minister of State for Childcare, around what's called a hub model, which would see those kinds of services being provided in more schools in a way that's much more comprehensive to serve the needs of students.

On the positive side, I can tell the member opposite that we see the value, that Surrey is doing a very good job and that we remain committed to trying to find ways to provide service to more students who are vulnerable.

[1945]

**B. Ralston:** Then the decision to expand the program — if I could put it that way — to the other schools in Surrey, particularly the ones I've mentioned, is a decision of the Surrey school board. That's what you're saying.

**Hon. S. Bond:** That is correct. We would allocate the dollars to the Surrey school board. As I said, I wanted to check that with my staff, because I think the system has changed somewhat in that way. The Surrey school board gets a lump sum. When we look at the breakdown of what the.... I can even tell the member opposite, for example, what those dollars were used for out of the \$2.1 million. We do know how school districts are using it, but it is up to them to decide how to use those dollars.

**B. Ralston:** Just a couple more questions in this area. There is a report that's been prepared by John Talbot and Associates called a Community School Research Report, jointly funded in phase one by the Ministry of Children and Family Development and in phase two by the B.C. School Trustees Association. These were prepared for ACE-BC, which is the Association for Community Education. They are the most comprehensive studies of community schools to date. There are a number of recommendations in those two studies. I'm wondering if the minister has any comment on what the ministry analysis of those two reports, if any, has been. What proposals for action or funding might flow from those two reports?

**Hon. S. Bond:** Thanks to the member opposite for bringing those reports to my attention. I have not read them and certainly not analysed them, but my staff is aware of them and well aware of the work that this particular organization does. We continue to look for ways to better involve and coordinate with community. So there has been no specific action in regard to those particular reports, but certainly, staff is aware of them. We will continue to have discussions. We're very concerned about how we connect communities to schools to serve our students.

I did just want to.... For the member opposite's benefit, in terms of the School Community Connections program, the member was correct. The first two phases, as we describe them, are grants for \$5,000. Then \$40,000 in the completing the connections, or the

stage three project it is partnering. The program provides \$125,000 per project, to a maximum of 60 projects. Funding provides up to 25 percent of capital and/or other implementation costs.

The member is correct. It does allow for the leveraging of significant dollars, but the matching component is 75 percent. I would be happy to provide this description of it with the diagram that's here.

**J. Horgan:** Again, I'd like to pick up the issues that we left off last fall. Last fall I asked a number of questions in estimates about the term "repurposing." There was much consternation and confusion at the time about just what that meant. I asked if the ministry could provide me with any documentation they had, any plans they had, and the minister said at the time that the discussion about repurposing was the result of the new responsibilities that had been delegated to her by the Premier with respect to libraries, literacy and other issues.

We were left to assume then that time would go by, information would become available, and we would be able to draw conclusions on what the government's intent was. Discussion would take place in communities. Consultations would take place.

[1950]

I'd like to ask the minister if she could provide this committee with an inventory of the consultations and discussions and documents that have been prepared with respect to repurposing.

**Hon. S. Bond:** Well, we are continuing to have a discussion about what's best for public education into the future. The member suggests that we table. We're talking to people all the time. I met with 47 DPAC chairs on Saturday. In fact, I don't actually think the word "repurpose" was used, other than in jest at one point during the meeting.

What we're trying to do is find a system that meets the needs of our students today, tomorrow and in the future.

**D. Chudnovsky:** It became a joke so quickly?

**Hon. S. Bond:** No, because in fact we do need to look at the mandate of this ministry. It does have new components. The question that was asked — and it was a question; it was not an edict — was about: do we need to look at the mandate of school boards because we now have a new mandate as the Ministry of Education? Does it need to incorporate thinking about early learning and early literacy?

That's what the discussion is about. That continues today. In fact, we have that discussion as I visit school districts. We have it when we meet with trustees. We have it when we meet at the round table. We're talking about trying to find the system that will best carry our education system forward.

**J. Horgan:** So that would, I assume, then be that documentation isn't going to be forthcoming and in-

ventory won't be provided, so I'll have to go with what I have. What I have is a document that the deputy minister and the minister would be aware of. It was prepared for a presentation in early February.

I'd like to ask the minister if she could tell me what role Gary Graf and Scott MacDonald play in her ministry.

**Hon. S. Bond:** Gary Graf is a seconded superintendent, and Scott MacDonald is a longtime member of the ministry staff — a director, I believe.

**J. Horgan:** Could the minister advise the committee what district Gary Graf comes from?

**Hon. S. Bond:** Mr. Graf comes from Bulkley Valley.

**J. Horgan:** Is there any additional contract beyond the secondment agreement with Mr. Graf?

**Hon. S. Bond:** No.

**J. Horgan:** Compensation and benefits remain the same as if he were remaining in Bulkley Valley?

**Hon. S. Bond:** Yes.

**J. Horgan:** Can the minister advise the committee if there have been additional resources put toward preparing materials and consulting the public on school-centred leadership?

[1955]

**Hon. S. Bond:** Certainly, everything we've done has been within our budget. As far as we can tell.... We prepared PowerPoints, which we prepare by the dozen in the ministry for various presentations.

**J. Horgan:** By the gross.

**Hon. S. Bond:** By the gross. Okay, I stand corrected by the member opposite. But there are no additional resources outside what would typically be within our budget.

We did have one meeting where we invited school districts who were interested in considering this as an option. Obviously, PowerPoints were prepared for that, but certainly to my understanding, there have been no additional resources required.

**J. Horgan:** I did have an opportunity to review one of the PowerPoints that was presented over the weekend to the DPACs. Over the course of the past number of days, the minister has said repeatedly we could consult *Hansard* to count the number of times that students are at the centre of everything that we do. I certainly support that.

Yet when I look at the PowerPoint presentation on school-based budgeting or school-centred learning, the conceptual model has — right smack dab there in the middle — the principal and the SPC. Floating around

this nexus of decision-making is a group of individuals or entities — community, teachers, superintendent, trustees — and in that bulk are students. So I'm wondering if the minister could advise the committee: if students are at the centre of everything we do, why are we focusing on a model that centres on principals and administrators?

**Hon. S. Bond:** I think it's interesting that we would choose to hinge on a diagram the future of a discussion around what's best for students. In fact, one of my staff members points out that if you really want to get technical, the students are at the top and at the centre of that diagram. So I don't think we want to have a discussion about the value or merits of how we serve students based on a PowerPoint presentation and one diagram.

**J. Horgan:** The diagram was so good, though, that it keeps appearing in various permutations and in various presentations. And in the absence of any coherent answer to the question, I'm left to deal with the materials that have been prepared by the government. I don't think it's unreasonable for me to ask the question. I'm sorry if the minister feels uncomfortable about that, but I'll carry on.

One of the other slides on the PowerPoint presentation talks about the challenges of school-based budgeting. Maybe we can talk about that a little bit. Does the minister have any sense of what the challenges would be of moving to this model?

**Hon. S. Bond:** Well, I know this. Currently the model exists in two school districts in the province that are having outstanding success. First of all, they still have school boards — imagine that — when there's been a lot of fear expressed about that.

Secondly, they have dramatic results that are excellent for students. We have teams of people that sit down and talk about how best to serve students, and that transfer of resources is taking place at the school level. It works in British Columbia. We're simply asking the question: would anyone else like to participate in this?

**J. Horgan:** Could the minister advise us how successful these initiatives were in Nelson, Williams Lake, Peace River North and Langley during the 90s?

Interjections.

**The Chair:** May I remind members to...

**Hon. S. Bond:** And, hon. Chair, the questions and the comments tonight should be directed to the minister, not the deputy.

We see success in models that exist today in British Columbia. They have set students at the centre of the programs and the decisions that they make. You know, I can't understand where the concern lies with believing that parents should have a viable, important and

credible role in decision-making that involves their students.

That means including them in relevant and significant decision-making. That's important. In fact, we believe that teachers, principals and educators should work together at the school level to do it. That's what student-centred leadership is about.

**J. Horgan:** Student-centred leadership isn't what this is called, according to the PowerPoint. I guess if that's not what it's called, maybe we should get the gross of PowerPoints changed. It's called school, not student. If it were student, maybe we'd be on a different line of questioning. As I understand it, based on the literature that I've reviewed — not just prepared by the ministry, but looking at examples across the country and North America — school-centred leadership leads to a CEO mentality and a fight between schools within districts to get scarce resources.

[2000]

According to the documentation that has been produced by her ministry and distributed to audiences — some selected, some not — there's a proposal for pilots in 2006-2007 with certain participating districts. Could the minister advise the committee where those pilots might be?

**Hon. S. Bond:** We'll be happy to get the list. I'm not sure if the staff has the actual list. We have ten districts, I believe, that have shown an interest in this.

It's interesting, because actually it was me that made the decision to think about how we characterize the program we're about to consider. I believe it is about students at the centre, so when I met with parents over the past number of weeks, that's exactly what we're going to call it, because that's what it is. That was a decision I made after advice and recommendations came to me about calling it other things. I want it to reflect exactly what it is, because it's a made-in-British-Columbia solution.

I would challenge the member opposite to stand up and talk about the schools in school district 57. You talk about schools fighting with each other and the results of this. Well, I can honestly tell you — and if the member opposite has actually read the documentation, he will know — that one of the presenters happens to be the superintendent of the district, where from his and other members of the team's perspective, this is working just fine, thank you very much.

**J. Horgan:** If the minister is so overwhelmingly enthusiastic about this, would she entertain imposing it on districts right across the province?

**Hon. S. Bond:** We want to ask districts if they're interested in considering this. We want to make sure that as we move forward, we look at what's best practice. Some districts are ready to do this. In fact, some of the districts on the list of people who are interested already operate this way, pretty much, without calling themselves a student-centred program.

Districts that I've visited already employ many of the principles that are involved in this. This is based on a principle. It says that the people who could care about a student's education include parents, teachers and administrators, and they include a team approach to it. That's the principle of this program, and I can't imagine how that could be a negative thing.

**J. Horgan:** I don't think there's ever a discouraging word uttered in the minister's discussions on just about anything, unless it has to do with the 1990s and me and my colleagues on this side. The challenge we have here is that the role and function of the official opposition is to raise issues and debate them in the Legislature, debate them in this committee.

It appears to be a difficulty for the minister to take these questions as honest questions, sincere questions that I'm posing so I can get information so that those that are discomforted by this initiative have some comfort. I'm not doing this for pleasure. There are many things I'd rather be doing, hon. Chair, than standing right here talking to you and the fellows in the committee here.

I'm doing this because it's my job and my responsibility. I am inundated with e-mails, with telephone calls, with literature: "What are you going to do about this?" That's what I'm doing right now. If that causes the minister discomfort, I'm apologizing to her for that, but I would urge her to listen to the questions carefully, take them as sincerely offered and perhaps offer a sincere answer once in a while.

Let's go to the next steps, according to the ministry documentation: identify the key questions, issues and challenges related to the concept. Could the minister advise us what those might be?

**The Chair:** May I remind the member to not impute motives or....

**J. Horgan:** Well, it's difficult not to, hon. Chair.

**The Chair:** I understand, but I'd ask you to restrain that.

**Hon. S. Bond:** First of all, simply to point out that I am not at all uncomfortable. I actually enjoy the debate that talks about how we get to the best solution to serve students in this province. I just happen to believe that there is a principle that incorporates the inclusion of people who care about their students' education and....

**J. Horgan:** And I don't?

**Hon. S. Bond:** So I will continue to answer....

**The Chair:** Member, I'm going to have to ask that everything come through the Chair. I certainly appreciate the motives and the considerations of both sides, but I would ask them to try to maintain the parliamentary language and decorum. Thank you.

**Hon. S. Bond:** The point of piloting a program, hon. Chair, is to allow us to learn before we actually look at whether or not this is appropriate for an entire province. We're not suggesting that today. We're suggesting that maybe we should take something that works in districts, that focuses on students and that allows the participation of everyone who cares about students and about making sure that their students are well served.

[2005]

This model works in at least two districts in British Columbia, and we have others that are incorporating those same principles as they move forward. We're simply saying: "If this works and you're interested in trying it, we'd love to work with you. In fact, we're going to provide training and resource opportunities." We're saying: "If you're interested, talk to us." That's exactly what happened.

**J. Horgan:** The ministry's document talks about a ministry commitment to facilitate planning, training and implementation, as the minister has just suggested. It discusses, also, providing incentives to districts to commit to participation. What would those incentives to commitment to participation be?

**Hon. S. Bond:** Simply the fact that we would be supporting them with resources and training. That's an important thing. We believe there are roles for parents to have professional development. We think there's a role for teachers and also for administrators. So we're saying this: "If you're willing to look at how we can better serve students in this province, we'd like to be a partner. We'd like to work with you. We'd like to help you do that."

I should say to the member opposite that if there are particular e-mails or calls that would be.... We would be happy to share that. If the member opposite would like to share that information, we'd be delighted to call some of those people. I'd be happy to sit down or have our staff talk to people about the kind of thinking we're doing. There are also people who are excited about this possibility. We believe that there isn't a one-size-fits-all solution. If we have eight or nine or six or two districts that would like to try this, we'd love to support them in that.

**N. Macdonald:** I just have a couple of questions, and this is taken, I think, from the slide show that you had over the weekend. Just to touch on a few of these, the schools are held accountable for student learning, and I just want some discussion around what that looks like. How do you measure that? How do you plan on holding schools accountable?

**Hon. S. Bond:** There are a number of ways that school districts are held accountable for the results of their students. First of all, they have a school growth plan. As the member opposite would know, obviously school planning councils are very much involved with how those are designed and developed and approved.



We also have district accountability contracts, where districts make decisions about what the priorities will be and actually set targets for improvement. Individual schools do that as well. But there's a third process that's critical, and that's the district review, where teams go in. One-third of the districts are reviewed on an annual basis.

The whole focus on accountability is to make sure that the focus is on student achievement, that students are being served well. We've actually found those tools to work very well, and schools and districts have found them very useful as they make plans for the future as well.

**N. Macdonald:** Here I'm referring to the model of school-centred learning that, I guess, you're having the discussion around, so I'm focusing on an individual school. The question is from the statement "schools are held accountable for student learning." It can sound quite reasonable, but my experience has been that these things can either work or not work at all, or it can distort behaviours in a way that you wouldn't anticipate here.

So the question is: around schools being held accountable, what in particular are you thinking of doing? What mechanism would you have for judging whether a school is doing the job properly?

**Hon. S. Bond:** Again, as I articulated, there are three things we use now in terms of accountability, so the model would simply be incorporated. The districts that now use a student-centred model use the same measures of accountability.

I think the thing we have to understand here is that it already exists in British Columbia. We have an outstanding number of school districts that are actually running very successfully. I don't think we've heard of mass chaos or people being completely disappointed. In fact, we see great things happening. So it's not unlike the system we use now in terms of accountability. It simply embraces and endorses the principle that says: there are others who should be involved; there is a group of people who should have a meaningful say in how students are served in their schools.

[2010]

**N. Macdonald:** As a principal, I've worked with the planning councils, and I've worked with the different mechanisms that are in place. What I can tell you is that sometimes at this level the concept you have can be quite sound, but there are particular difficulties as you move down.

I'll give you an example from a plan that I put together, working with very small class sizes. We had, you know, social responsibility, numeracy and literacy. We had, of course, done the work to get it ready. But we had a class moving through with eight students.

Now, you would intend to improve in literacy, or you would intend to improve in numeracy. You would maybe have two students that you knew were going to have results. In one case, you'd be at 70 or 80 percent the year before, but you knew that the following year

there's no way you would really be able to move it up until something like 60 percent. Now, you couldn't put as your goal: I'm going to go from 80 percent to 60 percent. Yet, reasonably, you would still accomplish something. You would still know that you're successful.

The problem for me is that with a lot of these measures.... First, you really have to know what you're doing with data, and that takes time. Often I didn't see that recognized. I spent a great deal of time working on it. Often I thought I could be doing something else. Secondly, you do get these anomalies.

The question I have is: if you're going to hold the school accountable.... In other jurisdictions, accountability often means that you penalize the school by removing funding if they don't hit certain goals and things like that. If it's simply to report, you know, that's one thing. But if it means more than that, that's another. So that's a question I have. You'd have to be really clear that there's no intention, like what you see in the States, of penalizing a school that doesn't hit standards.

**Hon. S. Bond:** First of all, I thank the member opposite for a very thoughtful question. I know he has expertise in ways that I don't in the public education system, and I appreciate the comment.

It's not about penalizing at all. We know that a system that does that actually hurts students. It penalizes students. So this isn't about that at all. That's why it's important to use a range of assessments and look at a variety. I feel almost a bit uncomfortable suggesting that to someone who's been a principal. The member opposite understands that better than I do.

This really is about having a team that works together, not only to analyze data, which is part of what school planning councils do — I know the member opposite would know that — but where that data becomes a tool for shaping a path for individual and continuous improvement. We want every student to see some degree of improvement. We certainly don't suggest that there be unreachable or unmanageable targets or those kinds of things.

We're actually seeing success, when I look at some of the schools involved in the program here. Let me give you an example. The Education critic refers to sort of fighting for dollars under this model and inequities. What happens, for example, in the Prince George school district is that schools are allocated resources, actual resources, instead of staffing numbers and things like that. Schools then make the decisions.

Inner-city schools in that school district have been given enhanced funding because of the plans that have been worked out at the school level. So in fact, the most vulnerable get additional supports by choice because the program's been designed.

I think the disappointment I have in reaction to this is the fact that there is all sorts of discussion about how fearful this is. There are right now, in one of the districts that I'm most familiar with, probably over 15,000 students being served incredibly well by a model that embraces the principle we're talking about tonight.

**N. Macdonald:** The superintendent in Prince George, Dick Chambers, is somebody who was previously in my school district. A lot of the work that he put in place in Prince George, I think he also put in place in our school district. So we had much the same model, I think. I'm not familiar with whether he's changed that. We were given an allotment of money that we were responsible for, and we worked with the school planning council.

[2015]

I guess what I would caution and the reason I would look for clarification here is... It's good that you would not penalize. The other thing that can happen with the collection of data is that it can distort behaviour. I'll give you an example of that as well. The FSA result, as everyone would know — I remember the minister, Christy Clark, always very clearly saying, "It's just a snapshot," which it is — measures a very particular skill. It can be useful. We can collect those, and that's useful, but it needs to be seen as a snapshot. What I would see in principals' meetings is that no matter whether you say that or not, everybody flips to their results. You look at what you have. There is a real temptation to focus on that sort of data. That data is different than good education.

So that's the thing you have to be aware of, too: not to focus too much on data. I know it's something that, right now, the government's really working with. But there are a tremendous number of things around data that can distort behaviour away from what is actually educationally sound. That's the other thing I would point out to the minister. It's a problem with having accountability based on data.

**Hon. S. Bond:** I think that is wise counsel. I think it is something that the staff I work with every day absolutely believes in and embraces: that it is about a number of tools. As we look at school district plans, for example, we can see that schools are choosing a wide variety of assessments that include the classroom-based that we're looking at in a combination with provincial.

So we would absolutely agree that it is a snapshot. We would not want to see a distortion of behaviour, but we do know that data can help shape the learning path for students. That's what we're saying. We're simply saying: "Choose the tools you're going to use. There are some provincial ones, but we absolutely know that you will add different measures in different schools and different classrooms."

That's exactly what I saw when I was at part of the SPC webcast, for example — the school planning council webcast. The school planning council had actually chosen measures that were very different than other schools had chosen. So they're very unique in that way. I guess if I can provide any other reassurance, I know that the member opposite knows Superintendent Chambers. He'll know that this has been done with a great deal of thought, a great deal of care for the student being the centre of this process.

But I think the other assurances that I can give the member opposite are that, first of all, this is voluntary.

These are school districts that would choose to participate. Secondly, it's a pilot. We're going to look at this in terms of best practice and how this might be used. Thirdly, we're going to provide training and assistance so that a district isn't just sort of signing up and we leave them there.

I think there has been significant thought given to this particular model and how it can be used in B.C. We're not being rash in terms of saying: "Well, you're all going to do it, and this is how you're going to do it." We're saying: "If you'd like to try this, based on the success we've seen, we'd like to come alongside you to support you. If you're interested, we'd like to be that partner with you." I think those are some assurances that we can give the member that it's not simply going to be a blanket decision across the province tomorrow.

**N. Macdonald:** To the minister: I guess I'll just make one or two other points, just from the limited experience from the one school I was at.

The other point I would make is around the collection of data. I collected a lot of data. To do that properly, it takes a tremendous amount of time to build up. There was a lot of data I collected that I knew, even as I was collecting it, was not particularly useful. It was taking something that was subjective, especially around social responsibility. You would take something subjective and apply a number to it so that it looked objective, but a different individual doing it would get completely different numbers. So it wasn't, really, particularly valid data. We found a lot of the stuff that we put together wasn't particularly useful.

Now, there were some good things. We did districtwide rights. Over the years, that worked very, very well. The FSA can work as well, but there are problems with that, too, in that if you have small class sizes, you're not really comparing things accurately. So that's one issue I would give to you.

[2020]

Also, there's the consideration of the amount of time it takes. I think you have a few school districts where the teachers don't want to participate. To me, that's completely reasonable. I always felt that I was asking a tremendous amount of the teachers and my staff to participate in the school planning council. One of the things you would ask yourself is: if you were paying for this, would you pay what it actually costs? And the other thing is: what do you not want the teacher to do?

We tend to just add and add and add, when the reality is that we're not thoughtful about what we don't want them to do. I wanted the teachers to coach, you know, on their own time. I wanted them to do so many things. They give and give, but at some point they simply can't.

Is the school planning council actually what you want them to do? Or is it something else? On your books it doesn't show up as a cost. It doesn't show up as an imposition. But the reality is that it is a cost, and it does remove something else.

Just some thoughts on that, please.

[H. Bloy in the chair.]

**Hon. S. Bond:** First of all, districtwide rights is an excellent program. We do concur that there needs to be caution. I think the principle we're using is simply this: data helps teachers shape learning. What you choose to use and how you do it are important considerations. I think we believe that as a ministry as well.

Certainly, in terms of the challenging job that teachers have today, the member opposite is right to remind us that we always have to take that into consideration. One of the things I have learned, both as a trustee and through this role, is the fact that people tend to see schools as places to solve all of the world's problems, because that's where our children are. We do need to be sensitive about those workload issues and how teachers have to manage in classrooms every day.

I can assure the member opposite of this. At the heart of this is a desire to better serve the needs of students. We also want to legitimize the work that's already being done by school planning councils, for example, in a more relevant way. We do believe, by looking at the model that exists and the work that's been done by leaders such as Dick Chambers, that perhaps there is another way to assign resources. I think we're doing this in a responsible way. I'm happy that the Education critic has a copy of the PowerPoint.

I can tell you this. The discussion with the district parent advisory council chairs on the weekend was very positive. Were there discussion and questions? Of course, but that's the way you make great decisions at the end of the day — by having that discussion, facing the challenges around these issues and actually being prepared to say: "We want to give this a try after having had that discussion."

I thank the member opposite for his cautions and his comments. Certainly, we'll take them under advisement.

**N. Macdonald:** Schools are held accountable for student learning, and by schools, you mean the principal.

**Hon. S. Bond:** I think, in fact, that we mean the school community. We mean that if we move to a model that sees a group of people.... One of the things that helps those programs move forward is that sense of ownership and pride. They work together to try to see those results improve.

It is about continuous improvement. It's not about setting an artificial ceiling and just crossing your fingers and hoping everyone gets there. We recognize that children are unique and individual. And you know, what's a celebration for one child might be minor compared to what it is for another student. So I think it is about community — not only accepting responsibility, but also being held accountable for those results.

**N. Macdonald:** Just to clarify, then. The way the classroom works is that the teacher is responsible. No matter who else comes in there, the teacher is responsible. And in a school, the principal is responsible. No

matter any other format you set up, ultimately — I'm just asking; I would hope you would confirm — one person is responsible. It's the principal. So even if you set up the school planning council or any other structure, surely you're not thinking of wandering away from that single idea.

[2025]

**Hon. S. Bond:** I suppose we can talk about the technical lines of responsibility and authority. Indeed, the School Act clearly lays out responsibilities. We're not moving away from the School Act.

This is about creating community and having a collaborative approach, so I'm not sure that we differ in our understanding of who's held accountable. But I hope that as we look at this model, we're actually going to encourage an ownership that moves beyond simply the principal and includes parents, in particular, and other educators.

**N. Macdonald:** I'll move to the next point. But I would make the point that I think there wouldn't be a school in the province that doesn't work to include everyone, regardless of this model or going to the '90s or the '80s or the '70s. That's how schools work.

In terms of accountability, it does sit with one person with the School Act, and ultimately you have consensus, as long as everyone agrees. When that doesn't happen in a school, then you have somebody making a decision. That's the point I would make on that.

The second one is: schools are accountable for wise use of resources. Here again, maybe another cautionary note. There was something that I saw — and I don't know if it came out of the Principals and Vice-Principals Association — and some of the discussions that they were having around contract, as to whether there would be incentives to balance their school-based budgets. Is this familiar to you at all? Is that something that's being considered in any way?

**Hon. S. Bond:** Certainly, looking at my collective team, no one is familiar with that principle. It's certainly not something we've suggested.

I do want to make one comment to the member opposite, and I hope the Chair would permit me. The member opposite makes the point that actually there aren't schools in the province that don't make an effort to be inclusive. I'm not certain I would disagree with this. But I can assure you of this. There are still parents, and many of them, in this province who do not feel that they are included or incorporated in meaningful ways in British Columbia today. Many parents still feel that way.

I fundamentally believe that there is absolutely a role for parents in the decision-making processes that affect their children. As recently as Saturday, despite the progress we've made — including legislating the right for parents to be involved in their children's schools — we still have parents who feel that very often there are decisions made that are rubber-stamping and those kinds of exercises.

I'm not saying that schools don't make efforts. What I'm saying is that parents today, many of them, still feel they don't have a meaningful role, which I fundamentally believe is their right.

**N. Macdonald:** I'll just comment quickly on that point. I think as you try to put this in place, the reality that I've experienced is: in a classroom, the teacher is in charge. No matter what you want to say about parental involvement or anything else — there are ways that you can do that — in the end, in the classroom, the teacher's in charge. For a school, no matter how you run it, in the end, the principal's in charge. For the district, in the end, the superintendent's in charge. For the system, in the end, the minister's in charge. So all of these people can participate, and all of these people can have a say, but you're not always going to agree. Somebody needs to be the person responsible.

Schools are accountable for wise use of resources. What I would caution the minister around is... You know, I had heard discussion — obviously, it hasn't been a discussion that this group has had — around incentives to make sure that you wouldn't go into a deficit position in a particular school year. My experience is that you have class alignment decisions to be made. Some years it works for you — just the nature of the kids. Some years it works against you. I would caution against taking away that flexibility, because it would not be a positive thing.

With that, I thank you very much for the opportunity, and I thank the critic for giving me the time. I'll take my seat.

**Hon. S. Bond:** If you wouldn't mind, hon. Chair, I just want to make one thing very clear for the record before the cards and letters start pouring in. We do not for one minute want to impede upon a teacher's autonomy in their classroom.

[2030]

So this model is about decision-making that's legitimate and valid, that leads to discussions around how schools are managed and things like that. I very clearly understand that role and accept it. This is not about that in any way, shape or form. It is about valid, meaningful and genuine parental involvement, in particular, but also about building that sense of dialogue and community — and, actually, relationship — that we think would make a difference as we plan in the school system.

I thank you for allowing me just to comment on that, hon. Chair.

**J. Horgan:** I want to thank my colleague from Columbia River-Revelstoke not only for his insights, but his temperament and demeanour, because it's greatly appreciated — not just at this moment but all the time.

I also want to thank — this feels like I'm at the Oscars now — my researcher Adrienne Smith, who's observing the proceedings, and following the minister's comment about mass chaos, sent me a photo of 12,000-odd people standing on the front lawn. That's in jest; I

don't want to do anything other than thank her for lightening my mood at the moment.

Then, through you hon. Chair to the minister, I want her to appreciate that I'm a parent. I'm involved and fortunate — more fortunate than any other parent in this province — to be the opposition critic for Education. I do this job with the greatest of sincerity and the greatest of respect for the people that work under the minister, right down the line to the custodians in the schools in this province. I'm doing that job to the best of my ability, trying to turn over the rocks that others may not want to turn over. That's my responsibility. I believe it's a duty that I will continue to do.

I apologize, to you hon. Chair and the Chair that was here before you, if I was intemperate in my remarks from my seat without being recognized.

Again, to my colleague, thank you for intervening as you did.

The minister talked, in the exchange with the member from Columbia River, about discussion and the challenges that we face. What I had hoped to do this evening, and what we will inevitably do tomorrow, is continue the discussion about the challenges. If this is, in fact, a new model — a model that we're going to pilot; a model that is working in some districts across the province — then I think it's appropriate at this time, during the estimates of the Ministry of the Education, that we talk about those challenges — sincerely and honestly and with integrity.

One question, for example, that is raised in the documentation that was provided to me, is what happens — in a choice model — when the school that everyone wants to choose is full?

**Hon. S. Bond:** I'm not quite certain where that fits in the discussion. I don't have the document in front of me, but I'll make an attempt to answer the question. When children attend choice schools there is policy decided by local school boards about how that particular school would be filled. The first priority.... I remember from school district 57 — back there, vaguely, in the back of my head — that there is actually neighbourhood preference, so that children who live closest to the school, in essence, get first opportunity.

Now, remember, that those are local school board decisions. Just as a child would move into a neighbourhood and a school is already full, school districts would make decisions around those policy decisions. It's not a ministry decision; it's actually a local school board decision.

**J. Horgan:** In the conceptual model of the school-based learning or school-based budgeting, there's a perception that's been raised with me that if there is a competition for students, choices are offered, schools are full, wait-lists are created, I assume. That happens, to a certain extent, with catchment issues today.

If you're competing for students to increase your allocation of resources at the school level, how does that get reconciled? Is there an arbiter? Would that be the role of the school board in this model, assuming it was districtwide?

[2035]

**Hon. S. Bond:** As I've just said, decisions about how schools are filled remain with school boards. They make choices about.... Unfortunately, in some neighbourhoods when families move in, the school is full. That's unfortunate, but it happens.

It would be no different under this system. In fact, school boards create local policy to deal with those kinds of issues. As I can only share my own personal experience, there is typically a neighbourhood component which looks after neighbourhood children first.

**J. Horgan:** Again, assuming a competition model. If this model would not produce competition, maybe that would be the easiest way to truncate this line of questioning. Could the minister tell me if she contemplates or envisions a potential in the future for competition between schools within districts.

**Hon. S. Bond:** Choice schools exist now across the province, and this model isn't about creating competition. This is actually about creating collaboration in the decision-making process at local schools. I don't see this as being a model that creates competition.

**D. Chudnovsky:** Good evening to the minister and to her staff.

I do want to have the opportunity to talk about the student-centred learning model with the minister. I hope that my colleague will give me some time tomorrow to do that. But I wanted to continue a theme that my colleague from Columbia River-Revelstoke began a few minutes ago around the issue of assessment and evaluation, because I think that it's a tremendously important discussion to have.

I want to bring, if I might, some direct experiences that I've had as a teacher of English for many, many years — one who loves to teach and misses it tremendously — some on-the-ground experience that I present as, I hope, evidence or insight or experience that will give some pause and give some.... I'm sure that the minister and her staff have heard some of this before, but for what it's worth, it's my experience, and I think it's important.

First of all, on the issue of appropriate and effective evaluation of students. I present to the minister a contrast — this comes from my experience as an English teacher — between the FSA tests on the one side.... Frankly, I need to say I think they're of limited utility. I have to say I think they're limited in their value, from my experience. I'll give the minister some reasons why. My colleague earlier talked about district-wide writing.

I worked in Surrey, the biggest school district, in large secondary schools. As an alternative to FSA evaluation — and I know that these needn't be alternatives but for the purposes of the discussion — I want to present school-wide writing and grade-wide writing activities.

I present that because it was a revelation to me to become involved in that activity for the first time — first of all, to meet mostly on our own time as teachers

but to some extent on in-service time and discuss the criteria by which writing would be looked at in our school. To know that some of us — our department head and others — were meeting with other teachers in the district to check to see that those evaluative criteria were similar and then to go through the process in the school of grade-wide writing and then to look at those together with colleagues, to look at those pieces of work that students did, was an incredibly rich experience in evaluation of students. It's at one and the same time a broad evaluation and diagnostic. I think that's very rich.

[2040]

I present that to the minister in comparison to a situation — same school — where the FSA exams were coming up, and people discussed in the staff room: "What are you doing to prepare? What are you doing to prepare your students for the FSA tests?" And some of our colleagues were spending a week or more of the valuable classroom time preparing students, essentially, to figure out how to write a test. The skill they were teaching was test-writing. My answer, of course, as an old.... Oh, I can't say that word in here. As an old guy, my answer to a younger colleague who asked, "What are you doing to prepare your students for the FSA tests," was: "Nothing." I wasn't going to spend valuable time in my classroom to prepare students to specifically learn how to write tests.

I present it to the minister not as an anecdote to point out my methodology — only to say that there's richness in some methods of evaluation and problems with other methods of evaluation. I think we need to value and support and provide resources for those evaluative methods that are richest.

If I may, Chair.... I know that I'm going on, but this is what I love. Teaching is my life. I want to present one other anecdote with respect to evaluation. It's one from just last week or the week before when we weren't in the Legislature. I was at home, and I met with the PAC chairs of one of the big secondary schools in my constituency. They brought the FSA results. This school happens to sit at the bottom in Vancouver in terms of both the FSA and the provincial examination results.

The thing that jumped out at me — and this, for me, is a very, very important point — when I looked at those results was the participation rate, because that school had a participation rate that was 8 percent or 9 percent above the provincial participation rate, and it had results that were 6 percent or 7 percent below the provincial participation rate. I would suggest, as a veteran teacher that virtually the entire explanation for them being lower than the provincial rate was their participation rate, and yet that school is seen as being a bad school.

I present all of this as the experience of one teacher.... There's lots more, but I'll stop now. I ask the minister and her staff to — I know they do, but I want to encourage them once more — think very carefully about the way we evaluate students and look for the richest and most valuable of evaluation, not the easiest that you can attach a number to.

**Hon. S. Bond:** I do appreciate the comments. Certainly, again, a far more experienced person in the teaching world than I will be, but I do want to provide some encouragement for the member opposite. We're actually seeing.... I think we simply believe that it's not a matter of either-or. I think it is. I think we will eventually and, ultimately, fundamentally disagree on the use of the FSA. The member opposite sees little or no utility, whereas we actually see that it is having the ability to shape some learning processes.

But I should tell the member opposite that we are seeing, in accountability contracts, a growing use of schoolwide rights, actually, and we're also seeing that through district reviews. So we're seeing educators choose the very rich experiences that you have reflected upon tonight, and we appreciate that. We agree with that. The difference would be that we see a fundamental role, and a significant role, for FSA as well.

**N. Macdonald:** Just to finish off, the districtwide write experience in our school district was very posi-

tive as well. I guess some of the concerns, which will come up very often amongst teachers and teaching staff, are around things that they see from the Fraser Institute. It's that sort of accountability stuff that I think everyone here knows is so distorted and can lead to distorted behaviour. I think there's many a principal that said that they could just bump up.... Just as very ably the member for Vancouver-Kensington explained, you can play with those statistics, and it can distort behaviour. That's really destructive. That's one of the concerns that educators often have about the accountability process.

I'll leave that with you as well. I'm sure your staff is aware of that sort of a concern.

**J. Horgan:** I ask that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 8:45 p.m.

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