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LEGISLATIVE ASSEMBLY
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THE HONOURABLE BILL BARISOFF, SPEAKER

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

SECOND SESSION, 38TH PARLIAMENT

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Honourable Bill Barisoff

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THURSDAY, MARCH 30, 2006

Introductions by Members

The House met at 2:03 p.m.

Tributes

VAL ANDERSON

Hon. L. Reid: My dear colleagues, it is with infinite sadness that I rise to advise you of the passing of Valentine Jackson Anderson. We came together to this place in 1991 — one minister and one private member. I was the private member, and Val had served as a minister of the United Church for more than 40 years.

Val Anderson was a friend, a colleague, a builder of families, a believer and an amazing mentor. The hope he carried in his soul for humanity to do better by their neighbour is a work in progress. In fact, he is probably, as we speak, strategizing with Fred Gingell as to how we can all do better. We have all lost an incredible human being who only saw the inherent goodness in people.

He served the people of Vancouver-Langara and the citizens of British Columbia with distinction for more than 14 years. He answered the call to public life with dignity and steadfastness.

It has been an incredible honour for me to serve beside Val Anderson. He was a rare human being, a gentle man with ironclad conviction, and one who brought to life each day the principle of social responsibility. It was a life well lived.

Mr. Speaker, may I ask you to express our deepest sympathies to his wife of 53 years, Joyce Anderson, and their three daughters Carol, Chris and Lynn and their children and families.

To them: thank you for sharing Val Anderson with us.

I would now ask the House to join me in a moment of silence.

[1405]

M. Farnworth: I would like to join with the member for Richmond East and the government caucus from this side of the House in recognizing the contribution Val Anderson made as a member of this House for 14 years.

I, too, joined with him in this House in 1991 as a new MLA, along with the member for Richmond East. Val was someone who struck, I think, all of us in this House with his integrity and his decency and his common touch.

He was someone who represented the citizens of Vancouver-Langara passionately and with all of his energy. His contributions will not be forgotten. I think the letter that the member for North Vancouver-Seymour read out last week was an indication of the esteem in which he held this place and the work that we do, urging us always to remember who it is that we represent and to strive for the best. We on this side join with the members opposite in extending our condolences on behalf of all of us.

Hon. J. van Dongen: It's my pleasure today to welcome a delegation from the Pacific NorthWest Economic Region to this Legislature. We had a number of meetings with ministers, with government staff and with members of this House, and I want to thank all members of the House that joined us for the reception at lunchtime.

In the gallery we have Matt Morrison, the executive director of PNWER; Marvin Wodinsky, the consul and program manager for the Canadian consulate general in Seattle; and Roisin McCabe, senior intergovernmental officer for the province of Alberta.

People who I also want to acknowledge, who are not in the gallery but were with us this morning: Glenn Anderson, the president of PNWER, who's a state Representative in the state of Washington; Colin Robertson, the minister and head of the Washington Advocacy Secretariat at the Canadian embassy in Washington D.C.; and U.S. consul general in Vancouver, Lewis Lukens.

I would ask this House to give them all a warm British Columbia welcome.

N. Macdonald: Joining us in the gallery from Edinburgh, Scotland, I have Christie Cameron and Donald Cameron. That's my aunt and uncle here from Scotland. Please join me in making them feel welcome.

B. Lekstrom: It's certainly a privilege today to rise in this House and introduce a special guest and good friend of mine, His Worship Mayor Fred Jarvis from the district of Taylor. Mayor Jarvis has served as mayor of the district of Taylor for the past 20 years and prior to that was an alderman — back to the days that preceded our councillors — for six years. So in total, he has served 26 and is going into his 27th year of public service. Fred works tirelessly on behalf of not only the people he represents in Taylor but the entire northeast. Will the House please make him welcome.

D. Chudnovsky: I have a number of introductions to make today. I'm pleased to do so. First, I'd like to introduce to the House a good friend and an old friend, Suzie Mah, who is a teacher in Vancouver and president of the Educators for Distributed Learning organization of the BCTF. Would the House please make Suzie welcome.

Again today we have students from Sir Charles Tupper Secondary School with us. That school is just around the corner from our house in beautiful downtown East Vancouver. They're here with a number of adults and also their teachers Mr. Ferguson, Mr. Mann, Ms. Tswe, Mr. Diel and Mr. Woo. We welcome them here and thank them for coming. Please make them welcome.

[1410]

K. Krueger: I have guests in the House today. Tanya Kaul was my legislative assistant and a legislative assistant to others in our caucus over earlier years.

Then she became my executive assistant when I was the government caucus Whip, left us to go back to postgraduate studies and is now on a meteoric rise in the professional civil service. The smart money says she'll be a deputy minister one day. She brought to meet me today Mr. Jason Gilbert, a fine young man who has my preliminary stamp of approval with regard to having a relationship with Ms. Kaul. I want to welcome them both to this House.

B. Simpson: It's my pleasure to introduce two guests in the House today. Mr. Darryl Smith is from Lake Cowichan. Darryl is from Steelworkers Local 2171. As the Minister of Labour will be aware, Darryl produced the video that was shown at the Steelworkers Summit called *Invisible Impact*. Darryl is currently working on a video that he hopes to show on the Knowledge Network to raise awareness of the forest workers' safety issues. With Darryl — and I had the pleasure of meeting Debbie for the first time today — is Debbie Geddes from Crofton. Debbie's partner, Ted Gramlich, was the 52-year-old faller who was killed last year, on November 17, 2005. Debbie was here to speak to me about some of her concerns today. Our condolences to Debbie, and welcome to both.

J. McIntyre: I'd like the House to join me in welcoming Kim Syer, who is a full-time elementary learning assistance teacher in the district of West Vancouver. She's involved in professional development at the district level and is also a member of two specialist associations, the Learning Assistance Teachers Association and the Special Education Association. She's served on the executive of the Special Education Association for the past two years. I look forward to meeting with her following question period. Welcome, Kim.

R. Hawes: I'd like the House to join me in welcoming Marie Baldassi, who is a classroom teacher in a grade six-seven classroom in Maple Ridge. She teaches at Yennadon School, which is arguably one of the better schools in the province. She's here to talk about BCTF issues, and I'd like the House to please make her welcome.

R. Cantelon: I rise today to introduce Mr. Rick Jeffery to the House, a man whose prime concern is the future of the coastal forest industry. He is the CEO of the Coast Forest Products Association. I ask the House to make him welcome.

S. Hammell: I'd like to introduce Stephanie Koropatnick. She's a special education teacher who teaches in Vancouver but lives in Surrey. Would the House please make her welcome.

Hon. I. Chong: Today I'm very pleased to introduce to this Legislature a grade-five class from Monterey School — 35 students along with their teacher Mr. Steven Toleikis, who the students refer to as Mr. T.

I met with them earlier today. They are having a personal tour of the Legislature without a guide. They're looking around, but what they're doing is having a real hands-on look at what the Legislature looks like, because they are preparing a small model that will become a centrepiece for a fundraiser on the weekend — for the Tip-a-Fool fundraiser they're raising money for. I know that they're around and they're listening, and I would ask the House to please make them very welcome.

Tributes

ROBERT COSTALL

N. Simons: It's with sadness that I rise on behalf of my colleagues on both sides of the House to convey our deepest sympathies to the family of Pte. Robert Costall. Private Costall died along with eight Afghan soldiers and an American soldier on Wednesday in a remote area some 100 kilometres from Kandahar. Robert Costall was born in Thunder Bay. He moved to Gibsons with his family, where he attended Gibsons Elementary, Elphinstone Secondary, Chatelech Secondary and the Sunshine Coast Alternative School.

[1415]

In Princess Patricia's Canadian Light Infantry, Robert found a place where his skills and his ability and attitude were not just recognized but appreciated and welcomed. After joining the military, Robert would return to visit the alternative school where he was an encouraging, inspiring and supportive role model for young people. He last visited just before Christmas.

Robert was 22 years old. He leaves behind his partner Chrissy Hazzard, his infant son Collin and a proud family, including his parents Bonnie and Greg.

On behalf of all British Columbians and Canadians, I ask this House to extend its deepest sympathies to Private Costall's family.

Statements (Standing Order 25B)

HOCKEY IN TRAIL

K. Conroy: Yesterday we heard from the member representing Smithers about their efforts to be named Hockeyville. Last night the first 50 finalists were announced, and ten were from B.C. I need to point out to the House that of the ten — and one was Smithers — six are represented by members on this side of the House, including Port Alberni, Lac La Hache, Golden, Gold River, Powell River and, of course, my own community of Trail.

The spirit of community hockey was born in Trail. Hockey started being played in 1898. As long as the ice would freeze, there was hockey. Trail's rich and colourful hockey history is unique — a history of accomplishments and champions that can be claimed by no other community in Canada.

However, it is not only because of Trail's achievements that residents assert an ownership to the Hock-

eyville title. It is because Trail's hockey past, present and future are continuously lived in a community spirit that goes beyond the players, beyond the coaches, beyond even the fans to reside within the very fabric of what this community is.

To quote a local youngster, Trail is a hockey paradise. Not only has the Trail junior hockey league produced numerous NHL players — like Ray Ferraro, Steve Tambellini, Steve McCarthy, Shawn Horcoff, Barret Jackman and Adam Deadmarsh — we also had the 1939 and '61 Trail Smoke Eaters world championship teams.

Many folks in our area still remember the game when the Smokies had to beat the Soviets by at least three goals to win. Longtime resident Norm Lenardon scored the winning goal to ensure gold for Canada. The Smokies were the last pure amateur club team to win the world championship for Canada. Ten of the players were either born or raised in Trail.

So to my colleague to the left of me — in seating arrangement only — I look forward to the friendly competition about to ensue. However, with all due respect to my colleagues, I'm sure that by the end of June those of us representing Trail will be thrilled to wear the name Hockeyville on behalf of all of the hockey fans of B.C.

VALUE OF OLDER WORKERS

D. Hayer: Earlier this week this House debated a motion of my colleague from North Vancouver-Lonsdale to end the practice of mandatory retirement. With the skills shortage British Columbia faces today, it is important that we not only eliminate mandatory retirement but actually encourage people to stay in the workforce to pass their skills and knowledge accumulated over their lifetime.

When a skilled and seasoned person leaves the workforce, they take decades of experience and a wealth of knowledge with them — knowledge that in this day and age has an incredible value as we fill the hundreds of thousands of jobs created by the buoyant economy our government has created over the past five years.

For those experienced people, solutions to the problems are second nature. That skill and talent is also very important in regard to worksite safety. A talented and experienced person knows what to do, when to do it and how to do it, without needing training and without making decisions that may cause accident or injury.

[1420]

My constituents often tell me that they enjoy their jobs, plan to continue to contribute and want to pass on their accumulated knowledge to the upcoming generation of workers. If we wish to keep the economy growing and flowing, it is vitally important that we encourage the skilled and talented people to stay in the workplace to pass on their knowledge, to teach new workers their skills, to tap into the experience and their work ethics. We need to retain this vast storehouse of knowledge as long as we can.

CESAR CHAVEZ

R. Chouhan: March 31 marks the birth of one of North America's greatest humanitarians, Cesar Chavez of the United Farm Workers. Last weekend thousands of people joined in celebration of his birthday by attending a special mass and march in Los Angeles, California. Tomorrow thousands worldwide will march in celebration of his life.

Cesar Chavez's vision was simple: to provide farmworkers and other working people with inspiration and tools to share in society's bounty. Who amongst us will ever forget his courage in the 1960s and '70s in support of the most excluded in society — men, women and children that toiled in the fields from sun-up to sundown, seven days a week for a pittance of a wage? They lived in absolute poverty in cabins with dirt floors and no access to health care, schools or even basic toilet facilities.

Working and living conditions for farmworkers were no different in British Columbia. Cesar Chavez inspired me to organize these workers in British Columbia, and he was there with me when we first formed the Canadian Farmworkers Union on April 6, 1980. We marched together in the fields of British Columbia and California to advocate for farmworkers' rights.

Millions throughout the world joined Cesar's cause, including Robert F. Kennedy. When he passed away on April 23, 1993, more than 100,000 people attended his funeral, and I was one of them. Today I ask this House to recognize Cesar Chavez, his incredible life and his accomplishments. *Viva la causa*, Brother Chavez.

COASTAL SAWMILLING INDUSTRY

R. Cantelon: I rise today to speak to the issue of the coastal sawmilling industry. We are all aware on both sides of this House that the industry is sick. The question is this: is it a terminal illness? The answer needs to be a firm and resolute no.

The trends have been clear. The closure of the Island Phoenix mill in Nanaimo was greeted with resigned acceptance. This mill was highly touted when it first opened. It first went into production some 20 years ago. However, it was outmoded virtually on the day it opened. It had been designed for a disappearing market. Many other factors conspired to cause its demise: the softwood lumber dispute, the collapse of the Japanese market, the strong Canadian dollar and changing markets.

Mr. Speaker, we need to face the facts that the old models will not work. The industry needs to reinvent itself. We need new mills and also new approaches. Innovation has been the trademark of the B.C. forest industry, and there are signs of hope and signs of success.

In discussions I've had with Russ Taylor, publisher of the *Wood Markets Monthly*, he points to what I would describe as a compartmentalized approach. Currently, successful mills basically operate with no ties to the forest production side. They do not have a marketing

division. They custom-cut to contract order, in batches. This requires a mill built to this purpose and a workforce that has adapted to a continually changing production stream, and it works.

New, bigger mills are needed that are designed for second-growth cut, mainly hemlock. The reality is that the new, large production mills will need a new breed of production staff. They will be operating computers that control the production equipment. There will be fewer, more technically trained employees.

Upon these two concepts, a new future can be built. To bring about this change is the challenge. It will require capital investment on a large scale. It will require new attitudes and new ideas from management and from the workforce in order to develop the positive atmosphere that is so crucial in creating confidence in investors. This will not be easy or quick, and it will require real dialogue and real leadership.

ELLEN ZIMMERMAN

N. Macdonald: A constituent of mine, Ellen Zimmerman, was honoured recently by the Yves Rocher Foundation with a conservation award for her work to protect the Columbia wetlands. The Columbia wetlands are an incredible resource, which have been internationally recognized with Ramsar designation given to it by the UN. In her acceptance speech in Paris, Ellen recognized her fellow members of Wildsight, but she also went back to the 1960s and recognized people from the B.C. Wildlife Federation and the Invermere Rod and Gun Club for their work to protect the wetlands back in the 1960s.

[1425]

That was a time when there were people in Victoria that thought a diversion of the Kootenay River into the headwaters of the Columbia would be a good idea for hydro power production. You had local people — such as Ian Jack, Gil Cartwright, Dave White, Bob Campsall, Tommy Sime, Albert Cooper, Dick Anderson, among others — who saw the value of these wetlands and worked to prevent the loss of this wonderful area.

At a recent public meeting at the proposed developments on Columbia Lake and at Jumbo Pass, I saw many of the same people. Their presence at the meeting reminds us that those who live in an area often know what is most precious and important. They know that what can look like wasteland at one time can in fact turn out to be priceless at another time.

The Yves Rocher Foundation honoured Ellen Zimmerman as an individual, but it also honours the wisdom and action of local people working to protect what they see and know to be precious natural resources for generations to come. Congratulations, Ellen.

DAVID DOLPHIN

J. McIntyre: It's with great pleasure that I rise today to pay tribute to the CEO of our B.C. Innovation Council, Dr. David Dolphin, who has just won a prestigious

national award. Dr. Dolphin, University of British Columbia chemistry researcher and creator of one of the world's most successful eye disease treatments, has been awarded the 2005 Gerhard Herzberg Canada Gold Medal for Science and Engineering, widely recognized as the country's most prestigious science award.

Last week Prof. Emeritus David Dolphin was announced as this year's recipient of the award by the Natural Sciences and Engineering Research Council. The annual prize, which is named in honour of Canadian Nobel laureate Gerhard Herzberg, was presented at a ceremony in Ottawa. Along with this prestigious award is \$1 million in NSERC funding over the next five years.

Dr. Dolphin pioneered the study of a class of light-activated compounds called porphyrins, organic molecules such as chlorophyll that interact with light. His photodynamic therapy research was commercialized in the early '80s when he and then UBC microbiologist Prof. Julia Levy founded one of Canada's most renowned university spinoffs, QLT.

The company manufactures Visudyne, which has been used to treat the most common form of blindness for more than half a million people in 70 countries since 2000 and is apparently the largest-selling ophthalmology project launched. Dr. Dolphin's research has led to more than 160 patents and earned UBC approximately \$60 million in royalties.

I'd like to ask the House to join me in congratulating Dr. David Dolphin for his award as well as his significant contribution to life science research that has been translated directly to improving people's lives. I say: well done.

Oral Questions

FOREST AND RANGE PRACTICES ACT

B. Simpson: In 2002 this government introduced the new results-based Forest and Range Practices Act. The act was given a three-year transition period to ease forest companies into the self-regulating regime and to afford them time to prepare the required management plans. This act is due to come into full force in nine months. The new management plans may then be in effect for up to ten years without further government approval or public input.

My question is to the Minister of Forests and Range. Can the Minister of Forests and Range tell this House whether he is satisfied that these new management plans will be approved by year's end?

Hon. R. Coleman: Obviously, that is the goal. We hope that the goal can be accomplished, and we're working towards that goal.

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

B. Simpson: From the input that we're receiving on this side, that goal seems unattainable. In fact, when

the minister introduced the new act, he promised that this new act and this new approach would set a higher standard for environmental standards and promote innovation. However, according to a Forest Practices Board report, the draft of which has been leaked to us, the board has significant concerns about the implementation of the act.

[1430]

Specifically, comments such as, "The act is inconsistent with the major criteria and indicators of sustainable forest management" and "The objectives are very confusing," and from a variety of sources: "Regulations demand too little in the way of results and discourage innovation...." Finally: "The plans do not contain sufficient information to be enforceable." That's from the government's own watchdog.

Is the minister telling this House that he is not aware of the Forest Practices Board's concerns?

Hon. R. Coleman: The Forest Practices Board hasn't made that.... Evidently, the member says he has a leaked copy. Therefore, until I see the report and the entire context of it, I will take that question on notice.

Mr. Speaker: Does the member for Cariboo North have a further supplemental? Is it a new question?

B. Simpson: It's a new question.

Mr. Speaker: Proceed.

FOREST MANAGEMENT PLANS

B. Simpson: We have had three years for this transition period. To date, only about two dozen plans have actually been put forward for approval. There are approximately 400 plans that need to be approved, with only nine months left before full implementation.

My question is to the Minister of Forests and Range. How can the minister expect to push through upwards of 400 plans in nine months and still expect us to believe that we can achieve the high environmental standards and the innovation that were committed to when this act was put in place?

Hon. R. Coleman: The forest industry in British Columbia is recognized by this minister and by this government and by people around the world as one of the most environmentally friendly and best-managed forest sectors in the world.

As the member knows, when you do something new, sometimes there are a few early people, but often-times there is a lot of work done on a lot of plans that could all come together in a very short period of time. My staff are working very hard with everybody with regards to all of this. We're going to try and achieve the goal and achieve it in the way that will make the forest industry understand its future sustainability and the importance to British Columbia.

C. Trevena: I commend the Minister of Forests that his department has lots of plans and will try to achieve this goal. However, I think there is a matter of concern. There have been three years to move ahead with this — three years to complete two dozen plans.

We now have about 400 plans outstanding, and at about 30 days to process a plan.... The previous Forests Minister promised that it would take 30 days to approve a plan. At rough estimation, that is about 12,000 days to complete these plans.

My question, again, is to the Minister of Forests. I would like to ask the Minister of Forests whether these plans can be achieved in this time line, up to the high environmental standards that we have been promised.

Hon. R. Coleman: Mr. Speaker, through to the member: I'm glad you've recognized the high environmental standards that British Columbia's forest sector operates within. We are working — my ministry.... I have a very good ministry and very good staff. While they've been doing all of this.... On top of that, they also got it together to actually put back in place a pulp mill in that member's riding, which also was a lot of work. Frankly, it's those types of dedicated people that will work on the land base for the long-term sustainability of jobs in British Columbia in the forest industry.

FIRST NATIONS CONSULTATION ON FOREST MANAGEMENT PLANS

S. Fraser: It is not just environmental issues and the concerns of the Forest Practices Board at stake with these plans. The former Forests Minister said in 2002: "A key feature of this legislation...is to say loudly and clearly to British Columbians that their input and involvement is not only welcome; it is, in fact, essential."

My question is to the Minister of Forests and Range. Do these management plans meet the tests of the first nations consultation and accommodation and new relationship?

[1435]

Hon. R. Coleman: The Forest and Range Practices Act model improves the opportunities for public input, because the public stakeholders and first nations are asked to identify their interests with regards to the values earlier and sooner in the development process of the plans, which I think is important and which may be the reason that in the early stages of the approval there are not as many there. There is a lot of work being done at the front end. I have a lot of confidence in my ministry staff and look forward to answering the balance of these questions with my staff present in estimates.

Mr. Speaker: The member for Alberni-Qualicum has a supplemental.

S. Fraser: I do. I would be happy to bring this up in estimates, but I'm bringing it up in question period.

The minister should have at least two letters on his desk from coastal first nations voicing their concerns about the new act. I will quote from the letters.

"Management plans under the new act don't even come close to providing full information." "The process was developed without proper consultation." "There is no way for first nations to have any meaningful input." "We have no ability to assess archaeological or other impacts." And finally: "The management plans do not meet consultation requirements."

To the Minister of Forests and Range: how does this reconcile with the new relationship?

Hon. R. Coleman: A letter of concern from a first nation is always a concern to me, but government has now signed over 101 forest agreements with first nations in the last number of years. We've passed the 100 number.

I meet with the first nations leadership. I meet with first nations communities. I did that yesterday with another group. Frankly, it's an ongoing cycle of consultation, accommodation, discussion. Sometimes there is comment made that leads to other discussions.

That's the important thing about working with first nations — that we're open to their comments. We're open to working with them and building a future together.

RICHMOND SPEED SKATING OVAL COSTS

H. Bains: The Premier promised B.C. taxpayers and communities that they were safe from Olympic cost overruns. Can the Minister of Economic Development explain, then, why Richmond taxpayers discovered today that they're the ones on the hook for Olympic cost overruns at the speed skating oval?

Hon. C. Hansen: The commitment that the province of British Columbia has made to the staging of the Olympic Games is \$600 million, and that is a firm allocation. We've built into that a contingency fund, which allows for some of the increases on the cost pressures from 2002 dollars, which were the basis for the first estimates.

In the case of the speed skating oval, Richmond came to VANOC and made an offer to construct and take responsibility for that venue. But the contribution from the province towards that project is a fixed amount, and it has not increased and has not been asked to be increased.

Mr. Speaker: The member for Surrey-Newton has a supplemental.

H. Bains: I'm surprised that the minister didn't blame the NDP of the 1990s for this fiasco.

Interjections.

H. Bains: I just remind you.

This government promised that VANOC will work within its budget. Now we know how they are keeping that promise — with a sneaky deal that downloaded responsibility onto municipal taxpayers.

Again to the minister: how can the minister justify this secret deal when he promised that VANOC would protect taxpayers and work within its budget?

[1440]

Hon. C. Hansen: When it comes to the Richmond speed skating oval, VANOC has made a commitment in a fixed-dollar amount — half of which is funded from the provincial government and half of which is funded from the federal government. That dollar amount has not gone up, and VANOC and nobody else has asked for that dollar amount to be increased.

J. Kwan: The people of Richmond only learned about their Olympic liability as a result of a media report. There's no accountability from the provincial government. There's no accountability from VANOC. So will the minister tell us how many more deals have been cooked up that hang taxpayers for Olympic cost overruns?

Hon. C. Hansen: I find that question very surprising, coming from a former Minister of Municipal Affairs, because the city of Richmond is a duly elected government unto itself. It is there, elected by the citizens of Richmond. It is the city of Richmond that took on obligations for the construction of a speed skating oval, which they are designing beyond what was expected by VANOC. They're designing it to meet other community objectives.

I think if the member has those kinds of questions, she should direct them to the city of Richmond.

Mr. Speaker: Member for Vancouver-Mount Pleasant has a supplemental.

J. Kwan: There is only one taxpayer at the end of the day, whether it's from the city of Richmond or from across the province of British Columbia. Would the minister care to tell this House whether or not the Richmond MLAs were asked to talk to the city council in Richmond in promoting the skating oval?

Hon. C. Hansen: I think that at least on this side of the House, we respect the independence of municipal governments in British Columbia. We are not a provincial government that is going to pretend that we are somehow the senior government to municipal governments. We respect their independence and their authority to make those kinds of decisions and to enter into the kind of agreements that they see as appropriate.

If you look at it from the provincial government's perspective, we have put an envelope of money that's available for the staging of the Olympic Games of \$600 million, and there is absolutely no request that we have before us to increase that amount.

AUDITOR GENERAL OVERSIGHT
OF OLYMPIC GAMES COSTS

R. Fleming: I'm happy to hear from the authors of Bill 75 a lesson on respect for municipalities.

Everyone in B.C. wants the Olympics to succeed, but these kinds of deals raise serious doubt about the final Olympic tab. The Liberals say that the taxpayers are safe. The secret contracts say that they could be fleeced. Why won't this minister put the Auditor General in charge with tough freedom-of-information laws so that B.C. taxpayers are protected from Olympic sticker shock?

Hon. C. Hansen: This is very much an old story. As I have said before in this House and as I have said in estimates last year and will say again now, the Auditor General has the full authority to investigate any aspect of the provincial government's \$600 million commitment that he wishes to investigate. In fact, he has been doing just that. He's been in the middle of that process over the last number of weeks and months.

We have assured him that he gets the full cooperation of everyone in my ministry and that if he felt he was having any information withheld from him that he needed in order to do his review, we would certainly use our influence in terms of ensuring that VANOC was cooperative. To my understanding, that's exactly what has happened. He's had full cooperation from all of the parties involved.

Mr. Speaker: Member has a supplemental.

R. Fleming: The Auditor General on many occasions has told this government that while he has an active interest in oversight over the Olympic Games project, he lacks the proper budget resources to do the job. Will the minister commit to give the Auditor General the additional resources that he has identified and that he has requested on other occasions to do the proper comprehensive oversight job for the Olympics?

[1445]

Hon. C. Hansen: The Auditor General is an independent officer of this Legislature. This Legislature grants an appropriation to the Auditor General for the operation of his office on an annual basis, and that has in fact been increased. Now, I think it's up to the Auditor General to determine what his priorities are, but certainly if he wants to put a priority on a full audit of the \$600 million commitment the province has made, he has the resources to do that.

I think, like all of us that are involved in spending the taxpayers' money, decisions have to be made in terms of where those priorities are, but there is nothing that's preventing him from making a full and comprehensive audit that he seems to....

GAS DRILLING IN RESIDENTIAL AREAS

C. Evans: Yesterday we started in this House to canvass the issue of gas drilling in residential districts,

and we identified that there is a 100-metre limit from residents for the industry. Now, the medical health officer of the region advises that as far as she knows, the 100-metre setback between a gas well and a home has no basis in the science of human health.

Then yesterday the Minister of Energy advised us that British Columbia was waiting for a western Canada study to reconsider this matter. Now we learn that it was decided five years ago that this study would not even include research into the health of human beings. Indeed, folks say that the research thus far — five years, \$15 million in the spending — has studied the health outcomes of 800 European starlings and 33,000 cows.

How does the minister — and I expect a serious answer; this is about human health and safety — expect the citizens of the Peace River to accept the safety and well-being of their children based on research into the well-being of birds and cattle?

Hon. R. Neufeld: First off, I am awaiting — yes — the report, the WISSA report. There are about 12 to 14 doctors of medicine that are actually authoring that report. It's a report that will come to government to help us work on some of these issues about setbacks. I've committed to doing that.

In fact, it's interesting to me, today, to hear from a member of the House who was in government from 1991 to 2001 and never once brought up a concern about setbacks anywhere in the province of British Columbia, let alone northeastern British Columbia.

I would ask the member to actually wait till the report comes out. Let's see what the experts say. I know the member doesn't like experts, but let's see what the experts say in that report, and then let's move forward with it from there.

Mr. Speaker: The member for Nelson-Creston has a supplemental.

C. Evans: My bias for or against experts — or ministers — notwithstanding, and putting aside even the issue of research into the life of birds, the opposition is aware that there are already, regardless of studies and experts, areas where industry is not allowed to drill. In rural areas outside municipalities, we believe these no-drill areas are called deferred tenures. Citizens are calling caucus members and asking us how they obtain a deferred tenure for their rural community.

My question is really simple, and I don't care if he lectures me about the past or not. What we want to know is: how do property owners go about obtaining a deferred tenure if they worry that gas production may be hazardous to the health of their family?

Hon. R. Neufeld: Deferment is obtained through a process. An oil company will request....

[Laughter.]

Actually, it is interesting. You can laugh about it, but it's the same process that was there in the 1990s. You can laugh about it and poke fun at it. Maybe they

didn't learn it, Mr. Speaker. It's obvious that that member never learned it.

[1450]

First off, someone requests for some land to be put up for sale. The Oil and Gas Commission, titles division, will actually refer that to the regional district or the municipalities — whoever may or could be impacted — for their input. What happens is that the regional district or the municipalities or people will actually say yes, they would like that deferred for a while — for a multitude of reasons, whatever they see fit. There is a discussion then between titles branch and those municipalities, and if it is in the best interests of deferring it, that's how it is deferred.

Before the member asks the next question and it's about where I live in Charlie Lake, there is a deferment around Charlie Lake. Actually, that was done before I became minister. In fact, it was done during the last administration's time.

Interjections.

Mr. Speaker: Members.

G. Gentner: You know, it's interesting that we have a ministry that is conducting air quality monitoring that seems to be moving from canaries in the mines to starlings on the patch.

Mr. Speaker, my question to the minister is this. How long are these deferred tenures good for? And when the tenure runs out, how does one get a deferred tenure renewed?

Interjections.

Mr. Speaker: Members.

Hon. R. Neufeld: Actually, I'd suggest the member read *Hansard* after question period. I already gave an answer to that question.

Get off the script, and get on to something that you want to ask a question about.

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

G. Gentner: You know, I don't understand why the minister is so sensitive about this question. I'm not really talking about gas drilling by his house. I just want to know the procedure, the standards, how this has happened. Is it an arbitrary decision? Who makes the decision about the renewal of deferred tenures?

Hon. R. Neufeld: The question has already been answered.

HOMELESS SHELTERS IN SURREY AREA

B. Ralston: My question is to the Minister Responsible for Housing. South Fraser Community Services Society in Surrey announced last week that they will be

forced to reduce their Front Room capacity by over 30 spaces, after providing shelter for years to the homeless under strained resources and serving beyond their funded capacity. The government has declined to provide more funding.

What is the minister's message to those businesses who will find more homeless people sleeping on their doorsteps? And what concrete plan does the minister have for the homeless in Surrey?

Hon. R. Coleman: B.C. Housing provides a total of approximately \$2 million a year to the several shelters in the Surrey area, including South Fraser, Hyland House, Skeena Place and others. They currently provide South Fraser Community Services, also known as Front Room, with \$661,000 a year.

The housing strategy in British Columbia, particularly on homelessness, has had more leadership in the last five years because of the Premier of this province and his Task Force on Homelessness than has ever been shown in this province before. There have been more beds provided in a five-year period than were probably provided in the previous ten or 15 years. We are working with communities for long-term solutions for homelessness in British Columbia, including the task force now moving to the next level of communities to try and find other strategies for homelessness in B.C.

Mr. Speaker: The member for Surrey-Whalley has a supplemental.

B. Ralston: The reason the funding has not increased and kept pace with the growth of the homeless in Surrey.... The homeless numbers in Surrey have increased over 115 percent, and I dare say funding has not increased to that level. Another homeless shelter that the minister references, Hyland House in Newton, turned away — by their own statistics — close to 2,700 homeless people last year.

We know that many of the homeless, according to reports from the Surrey Memorial Hospital, end up in the emergency room, making another situation worse there. My question for the minister is: when is Surrey going to get its share of resources needed to deal with the growing homeless concern and increase the budget for the Surrey homeless?

[1455]

Hon. R. Coleman: The province has increased funding for housing and emergency shelter programs to \$193.3 million. That's \$70 million more than in 2000-2001.

In addition to that, we've increased the year-round shelter beds from 711 to 868, increased cold-weather beds from 197 to 391. We've increased the annual funding for shelter programs by 40 percent. We've approved a number of other projects, including in communities across the province, as a result of the Premier's Task Force on Homelessness. We're continuing to work to deal with the homeless problem in British Columbia.

MUNICIPAL ELECTION
CAMPAIGN FINANCING

M. Farnworth: My question is to the Minister of Community Services. Does the Minister of Community Services believe that local government election campaign financing should be open, transparent and aboveboard?

Hon. I. Chong: For the benefit of the member as well as all members of this House, I just want to advise how our ministry deals with municipal elections. After every municipal election, the ministry staff sends out surveys. We survey election officers and look at comments and any complaints that we have received. We also speak to candidates for any input that they may wish to provide. We will determine if and where changes need to be made. That is done after every municipal election.

Mr. Speaker: The member for Port Coquitlam-Burke Mountain has a supplemental.

M. Farnworth: Well, I'd like to take the opportunity to give some feedback to this minister, which hopefully she will take action on. In the city of Coquitlam is an organization called Coquitlam First. They ran in the municipal election campaigns, claiming not to be a political party. However, they campaigned like a political party. They advertised like a political party. They talked like a political party.

Yet when the campaign donations were released for public scrutiny as required by the act — whereas every other registered political party and civic party in this province abided by the rules and regulations of the act, and provided open and accountable and transparent campaign financing — Coquitlam First failed to do that because they had not registered as a political party.

The result was that there was a loophole which they could drive a campaign bus through. The result was that the mayoralty candidate, for example, received over \$50,000 in campaign contributions, another \$50,000 in campaign contributions from something called Woody 2005. The result is a lack of confidence by the public.

I'm asking the minister to investigate what has taken place, to investigate this particular loophole in the act and correct it. Will the minister commit to do that?

Hon. I. Chong: As I have indicated, we do have a process in place. That process is to ensure that after every municipal election, we do survey the election officers which are in every municipality. We will receive comments from candidates. We will receive information from those who wish to provide it — any complaints that are made.

The member opposite was a former Minister of Municipal Affairs. He is well aware that these surveys do take place. As a result of the election in 2002, we received a number of inputs which allowed us to provide a new...

Interjections.

Mr. Speaker: Members.

Hon. I. Chong: ...voters guide. We had a new candidates guide. We had best practices in place. So there is a process in place. I would hope that the member opposite, who was a former Minister of Municipal Affairs, will allow that to take place.

[End of question period.]

Petitions

C. Wyse: I wish to table a petition on behalf of the Friends of Lac des Roches and Birch Lake. The petition contains 700 names of concerned citizens calling upon this House to recognize their democratic rights in voicing their opposition to the proposed development on Lac des Roches and Birch Lake.

[1500]

C. Evans: I rise to present a petition. This is a petition from the people primarily of Creston Valley who desire to see no change in the regulations around what opticians and optometrists are allowed to do in the service of their clients.

Tabling Documents

Mr. Speaker: Hon. members, I have the honour to present a report of the Chief Electoral Officer, *Recommendations for Legislative Change, March 2006*.

Orders of the Day

Hon. M. de Jong: Mr. Speaker, I call Committee of Supply. For the information of members, in Committee A, we'll be discussing the estimates for the Ministry of Agriculture and Lands, and in this chamber, the estimates for the Ministry of Aboriginal Relations and Reconciliation.

Committee of Supply

ESTIMATES: MINISTRY OF
ABORIGINAL RELATIONS
AND RECONCILIATION

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

The committee met at 3:04 p.m.

On Vote 10: ministry operations, \$28,778,000.

S. Fraser: I will have a few questions, if that's all right, to the minister. Can I start speaking on this? Is that all right?

To the minister. In estimates last time we learned that the Minister of Aboriginal Relations and Recon-

ciliation had signed the fifth agreement-in-principle with the Yekooche First Nation. You said this was an excellent example of a first nation that has really overcome significant hurdles over the course of the last four or five years in terms of social conditions in their community. Can the minister tell me how many other agreements-in-principle have been passed since this last one did?

[1505]

Hon. T. Christensen: I think I missed a bit of the question, but I think the member was asking how many agreements-in-principle have been passed since the Yekooche First Nation agreement-in-principle. That one was last fall. Just recently the Yale agreement-in-principle was passed and signed by the province, the federal government and the Yale first nation.

S. Fraser: For some, this could be considered as fairly slow progress. Would the minister agree that a larger budget and perhaps more staffing would allow for more success or more agreements-in-principle being signed?

Hon. T. Christensen: This may sound a bit flippant, but it's not intended to be. I wish it were that easy, that it was a budget matter alone in order to move treaty tables towards agreements-in-principle.

The reality is that these are often very difficult negotiations, as I'm sure the member can appreciate. Everyone in the House recognizes that the B.C. Treaty Commission process has been ongoing for a long period of time. We're very pleased that since 2003 we now have six agreements-in-principle, and we're working very hard to get those agreements-in-principle to what has, to date, appeared to be that elusive stage of final agreement. I'm optimistic that we're getting there.

It's much more than a budgetary matter that determines getting to agreements-in-principle and getting to final treaties. The reality is it's a case of working through the issues and really coming to terms, obviously, on all three parts in the negotiation — the federal government, the provincial government and, of course, the particular first nation.

S. Fraser: Hello to the staff. Thanks for putting up with this. It's a day or two or three of questions, so I appreciate the time and effort you're putting in.

I understand it's not necessarily a case of resources, but there's been an increase in staffing, I noticed, going through the plan for the ministry. Was it 20 new full-time-equivalents or somewhere in that nature?

Hon. T. Christensen: I should just take a brief moment to introduce the staff that I have here. I'm joined by my Deputy Minister Lorne Brownsey, Assistant Deputy Minister Mike Furey and Assistant Deputy Minister Barbara Reuther.

There has been an increase in the FTE complement to the ministry of 21 FTEs, and that has been done to enhance our ability to get those AIPs to final agree-

ment. It really is a reflection of the stage we are at in the negotiations, and as the member can appreciate, as we see progress, there will in many cases be a much more significant demand on ministry resources to continue to move us forward towards those final agreements.

S. Fraser: Thank you for the answer to that.

We have a new first nations trust, which was announced last week — Bill 11. I know a lot of work went into that. We were getting a little antsy wondering... It was getting pretty close to the end of fiscal, so I'm happy. I applaud the introduction of the trust.

How much was budgeted for the role of the ministry to bring that about out of the previous...? Could you include full-time staff equivalents for that, if that's possible?

[1510]

Hon. T. Christensen: The resources required within the ministry in terms of staff time and effort to put that in place were just absorbed within the overall staff in the ministry. As the member will appreciate, there's a whole range of things that the ministry is doing on an ongoing basis, and some new initiatives come along, and we're able to do that within the ministry complement we have.

S. Fraser: If I could then — and I appreciate the answer... I don't need specifics here, but in the last year was there a significant amount of staff time and/or budget put towards putting together or getting this trust into place?

Hon. T. Christensen: There were three or four people within the ministry that were primarily responsible for working with the First Nations Leadership Council in the development of the trust and the legislation that put in place the trust. We also had some assistance, obviously, from the legislative drafters in the Attorney General's ministry, and we very much appreciate that assistance.

Those individuals wouldn't have been working on that full time, so I'm not able to tell the member, from an FTE standpoint, what effort was dedicated to the development of the New Relationship fund. What I can advise the member, though, is that in setting our priorities within the ministry, we're being responsive to the discussion with the First Nations Leadership Council, and as that work around the new relationship generally evolves and priorities are identified, we adjust our efforts accordingly to try and get the work done.

S. Fraser: I understand it's difficult to pinpoint the numbers on that. Those staff will be presumably... Will their workload be taking up some other function? There's much to do in the ministry. But has there been a change? — because we're coming to the end here. I assume that with the announcement of the trust and the passing of Bill 11.... What's the next priority for that work — if that's possible?

[1515]

Hon. T. Christensen: I can assure the member that none of the great folks working in the ministry will suffer from a lack of things to do. I'm sure that's not the member's concern. The reality of the situation is that we have a whole host of priorities ongoing with the First Nations Leadership Council. As we reach milestones and get certain specific projects, I guess you could call them, within that context completed — and I think the New Relationship fund can be categorized as that, because it was on a relatively strict time line — those resources simply get shifted to other of the great long list of priorities and ongoing work within the new relationship.

For example, we're doing considerable work to move forward the Transformative Change Accord that the Premier and the federal government and the First Nations Leadership Council members signed at the conclusion of the first ministers meeting last fall. Both the Premier and I have had very constructive meetings with the new federal Minister of Indian and Northern Affairs, and we're very optimistic in terms of being able to move that agenda forward, working with the federal government. We're in the process of working with the leadership council to define how we best do that work together and bring more life to the goals and the principles set out in the Transformative Change Accord. That's just one example.

Certainly, as I indicated a little bit earlier, now that we have six agreements-in-principle, we think there's a real opportunity to move ahead with success in getting final agreements. That does require us to bring some very specific focus at those tables and really see what the critical issues are that we need to move through in order to get to that point of final agreement. It really is a case of readjusting on an ongoing basis exactly where, as I say, the very good people working in the ministry are putting their focus.

S. Fraser: Thank you for the answer. You anticipated a couple of things. Thank you for the examples. That was going to be my next question.

A couple of things you touched on as far as the Transformative Change Accord. In the accord itself there was recognition that aboriginal and treaty rights exist in B.C., and recognition that this agreement is intended to support social and economic well-being of first nations. I think these are definitely goals to be applauded.

Are any of the new FTEs...? Are they intended to be working towards, let me put it, cross-cultural training — like in ministries, capacity-building within government to get beyond the words and principles of the new relationship? I know it's a challenge, but has there been anything budgeted for that out of the new...? Or have any of the FTEs been sort of set in that direction?

[1520]

Hon. T. Christensen: I appreciate the member's question. We have brought two additional assistant deputy ministers into the Ministry of Aboriginal Relations and Reconciliation with the express purpose of

helping to lead the work we're doing around the new relationship and the Transformative Change Accord. Certainly, within the ministry as a whole and FTEs across the ministry, we're realigning the FTEs that we have. As I say, the many people that work within the ministry are doing very good work with the priorities that this new ministry now has.

Last fall our discussion was very much on how this ministry was a coming together of what had been the treaty negotiations office and the aboriginal services branch that had been in Community, Aboriginal and Women's Services prior to June of last year. What has happened in the course of the not quite a year since the ministry was first put together is that we're trying to align the staff complement we have and the skill sets that we have within the ministry with the job we have to do. We're focusing on our priority of getting final agreements within the treaty process, focusing on the priority of the new relationship generally, and then, within that context of the new relationship, also focusing on the priorities identified through the Transformative Change Accord around health, education, housing, economic opportunity and relationships.

Certainly, in terms of the ministry's overall role and the interaction with the balance of government, it's our role to lead the relationship with first nations and aboriginal people across government. We have relationships within government established at the director level, certainly at the deputy minister's level, to ensure that we are engaging across government in moving the overall relationship between the province and first nations and aboriginal people forward.

S. Fraser: There are six agreements-in-principle. Any signing ceremonies anticipated in the very near future?

Hon. T. Christensen: We have had the signing ceremonies for each of the six agreements-in-principle. I've had the privilege of being at the Yekooche signing ceremony as well as, just recently, the signing ceremony for the Yale First Nation's agreement-in-principle.

I would like nothing more than to be able to advise the member that we were scheduling a signing ceremony for a final agreement. The one thing I have learned in the short time I've been in this ministry is not to try and guess exactly when a final agreement may be concluded.

I've said publicly, and I'll say to the member, Mr. Chair, that I am certainly more optimistic than I have ever been that we are close to final agreements. We do have some significant issues to work through at those tables, but there is a real will and a real drive, I believe, on behalf of all parties that need to come to agreement, to get to the — as I've described it — elusive final agreement.

S. Fraser: I'll go a little further down this road, if I may. Governance within first nations — as far as a final agreement, the final signing on these things — is an issue, I know. Is consideration being made for looking

at governance models? There's sort of a municipal model that's in place and that we see now, but are alternatives or other options being looked at?

[1525]

Hon. T. Christensen: Certainly, we're in negotiation on a host of issues all the time. As the member will appreciate, a negotiation is very much a bit of a back-and-forth exercise. That's the nature of negotiations.

When we talk about governance, there are a host of things that are agreed to or substantially agreed to. There are others that aren't. I'm not going to — and the member may not like this — get into the specifics of that in the context of the estimates debate — and for a good reason. Those are issues being discussed at the negotiation table. I don't want to undermine, in any way, the work that is being done at the negotiation table. I think that would be irresponsible of me.

I can tell the member that there is certainly robust negotiation continuing on a number of issues. Day by day the number of issues that we disagree on is narrowing and becoming less. That's why I am very optimistic that we should get to that point of final agreement.

S. Fraser: First nations communities are some of the fastest-growing communities that we have in the province, and youth are a large portion of that. I know we touched on this in the last estimates. Have any of the new staffing and full-time-equivalents been designated towards specifically dealing with some of the realities and the representation of those youth? If so, how many? Are there any hard budget numbers that have been line-itemed towards youth?

Hon. T. Christensen: Within the Ministry of Aboriginal Relations, we have one FTE that is assigned to working with aboriginal youth councils and trying to identify how we better engage them in a range of areas of discussion. Certainly, in our discussions at the First Nations Leadership Council, youth is a recurring theme in terms of recognizing how important work with youth is to the future of first nations in the province, to the future of all of us in the province.

[1530]

There's a keen awareness within the aboriginal community at large of the reality of the demographic. There's a very keen awareness of the need to engage youth in the range of things that first nations communities are doing themselves, and we're certainly very supportive of that.

I can advise the member that in all of the discussion around the \$100 million New Relationship fund and the need to build capacity, youth were always at the centre of that. So there's been considerable focus there, and certainly, I would accept the suggestion from the member and agree that we can always be looking for greater opportunities to effectively engage youth, particularly in the aboriginal community, where we recognize the incredible leadership potential that is coming there as those leaders emerge within those communities.

The member may know, and I'm not in a position to provide the detail, that there's a number of other sort of specific initiatives across government where other ministries have programs that are directed specifically towards aboriginal youth — whether that's within the Ministry of Advanced Education or certain programs within Education. Community Services is responsible for the BladeRunners program. All of those have a direct connection to aboriginal youth.

S. Fraser: The minister had stated.... I got a quote from you. Sorry about that. "Treaties and other agreements will stimulate investment, create jobs and expand economies in communities throughout B.C."

One of the issues that certainly has come across my desk a number of times and in conversations with first nations leaders and those involved in treaty is the negotiating and continuing to negotiate into further debt throughout the negotiating process. It's a difficult position to negotiate from. We're hoping there'll be a stimulation of the economy through these negotiations, should they be successful and come to completion.

Has there been any consideration to look at that — the accumulation of debts from nations that are actually involved in treaty? Indeed, it's kept some first nations from being involved in treaty negotiations, simply because of the reluctance to incur those debts.

Hon. T. Christensen: It's my understanding that the original arrangements for how treaty negotiations would be funded were worked out through the B.C. Treaty Commission process, obviously, with the involvement of the federal and provincial governments, but the involvement of first nations as well. I think it's a difficult issue in terms of how you fund negotiations in a way that there's an incentive to ensure that it's not just paying for negotiations but that the negotiations actually get to a result.

[1535]

Certainly, a number of first nations have raised the issue of treaty negotiation debt. I'm not trying to pass the buck here. It's actually primarily a federal issue. It's federal loans that allow for that debt to accumulate, or it's federal loans to the first nations involved in the treaty process that are paying their negotiations cost. There is a small portion that the province pays, but ours isn't a loan. Ours is a grant, in fact.

S. Fraser: Is 100 percent of that a grant from the province? Is there no debt repayment required from the province?

Hon. T. Christensen: The province doesn't provide any loans. It's all grant.

S. Fraser: Is there a role to play for the ministry post-new relationship to be an advocate, if that's the right term, to possibly bring more first nations to the treaty table — so to be an advocate to the federal government for the first nations involved and to attempt to bring more negotiations to the table?

Hon. T. Christensen: Our whole focus within the treaty process at this point is to get to final agreements. I think the best way we can avoid first nations incurring too much debt in the treaty negotiation process is to show that the process can be successful and give everybody confidence that engaging in treaty negotiations actually brings results. I think that, more than anything, is what might be discouraging some first nations at this point. They look to their colleagues from other first nations and say: "You've been involved for ten years, or 13 years in some cases; where's the end result?" As I've said earlier, we're very encouraged that we should be getting close to final agreements.

Any broad discussion or any, I guess, meaningful discussion around the issue of the treaty process and the costs of that to first nations or to governments, for that matter, really is a discussion that would occur and be facilitated by the B.C. Treaty Commission. That's how these arrangements were first developed when the treaty process was born, and I think that's the proper venue to have that discussion. Quite frankly, I don't think that we've given sufficient consideration to the pros and cons of a variety of positions in terms of that matter.

Certainly, I recognize the debt concern. A large portion of the debt that first nations have incurred is, obviously, to hire outside expertise to allow them to participate in the treaty process in an effective way. That's one of the reasons that we've recognized the need to build capacity within first nations. That takes time. I think the costs of negotiating treaty can be brought down over time by building the capacity within communities, and that's what the \$100 million New Relationship trust will help to do so that some of the skills necessary to effectively engage in treaty negotiations are actually found, to a greater extent than they are now, in communities from those first nations community members.

S. Fraser: Thank you for the answer.

Is the minister saying that he's anticipating a significant portion of the \$100 million will be utilized for capacity-building to deal with treaty?

Hon. T. Christensen: I thank the member very much for the question because, no, that's not what I'm saying.

What I'm recognizing is that the skill sets necessary to effectively engage in discussion with government — whether that's around land and resource policy or decisions, whether that's around social policy decisions, whether that's around how services are best delivered within first nations communities or whether that's in the context of a treaty negotiation and the great long list of issues that are alive in that negotiation.... All of those skill sets are necessary within first nations.

[1540]

What we are hearing from first nations is that to get that expertise, they're needing to hire outside advisers. So the primary purpose of the New Relationship fund over time is to build capacity within those communities so that those skill sets and that expertise can be pro-

vided from within rather than having to be hired, at considerably greater cost in many cases, from outside the community.

The capacity-building provides greater capacity within the community to engage in a range of discussions with government, a range of service delivery with government or sometimes without government. Some of that may include assisting in the capacity necessary for treaty negotiations to move ahead. I'm under no illusions that this capacity-building is going to occur overnight. It is a long-term exercise.

S. Fraser: Sticking with the topic of treaty, one of the concerns that I've heard raised more than once is.... I mean, there are issues around the federal debt portion, certainly, but from the provincial side, there are criticisms that the negotiations are slow and the negotiators' mandates very narrow. Sometimes it has been described as too narrow to be considered true negotiations. Despite the fact that we are seeing some agreements-in-principle signed, not all is happy in this process.

Have there been any changes in resources going to the provincial negotiators, any broadening of mandates — anything post-new relationship?

Hon. T. Christensen: I'm sure the member can appreciate that one of the realities of a tripartite negotiation, which is always a little more difficult than just having two parties, is that at any point in time, any one of the three parties can point to the things they think the other two parties need to change in order to get to agreement. That's the reality of a negotiation.

It is fair to say we are continuously reviewing issues as they arise to see where we can find agreement. That is the art of a negotiation. I think the fact that we've reached six agreements-in-principle since 2003 shows that we can have success.

As I've said, that final agreement still remains a bit elusive, but I'm optimistic that as we listen respectfully at the negotiation tables, and provided that all parties at the negotiation table.... I don't say that to lay blame at all, but I think it's critical to recognize that everybody at the negotiation table has to try and understand where the other parties are coming from and find out where we can find the common agreement that benefits all of us. All parties at the treaty negotiation recognize that getting final agreements is to the benefit of first nations and the rest of us.

It's critical that we remain focused on breaking through any of the issues that we're finding are real roadblocks, and that's certainly what we're trying to do.

[1545]

S. Fraser: I understand what the minister's saying, but there are other ways to look at this. There are other perspectives that I've certainly heard from first nations, who may be less than reluctant to bring forward for fear of interfering with the negotiations. I will play their role for them in this case — a devil's advocate, if you will.

An expedient treaty process is not necessarily a benefit to all. The process itself, by dragging out — in some instances or from some perspectives — is a costly thing for first nations. It's much more difficult for the first nations at the table to be engaged in, as we talked about, with the debt incurred and such, and can whittle away any potential future settlement. An agreement-in-principle is not.... I do not agree with the minister. It's not necessarily an endorsement that the process is working.

We've got one treaty in B.C. — the Nisga'a. It's been a very slow and expensive process, and the most cost to this process, I suggest, lies with first nations because their needs are greater. When an agreement-in-principle is signed, I guess that's a good-news story. But sometimes it's being equated with having a gun to the head. As the needs in these communities rise, the political realities of the leaders — the chief councillors and hereditary chiefs and the councillors themselves.... There's a lot of pressure to deal with some of the dire needs within the communities. If it's on reserve, so be it.

A negotiation that is drawn out may actually, in some instances, be perceived as a tactic to allow for more pressure to be put on the first nations at the treaty table, because they will not be able to afford it in the end, and to not come to some agreement is going to end up costing too much.

With that in mind, long-winded though it may have been, I'd like to ask the question again. If the provincial negotiators' mandate is the slow point and is the bottleneck here, which it has been interpreted by some first nations, have there been any resources put in place since the new relationship agreement to help facilitate more timely negotiation — either in FTEs or in funding or in changing or relooking at the mandate of those negotiators?

Hon. T. Christensen: I appreciate the member raising the issues in terms of the time it's taking to get treaties. I know it's fair to say that nobody is happy about that situation. Certainly, first nations are frustrated. My experience has been that the province is frustrated and that citizens in general are frustrated about why this is this taking so long. We started down the treaty negotiations through the B.C. Treaty Commission process in the early 1990s with a great deal of optimism and fanfare. Here we are, and we don't have a final agreement yet.

I hesitate to remind the member and anybody else that may be watching this or reading *Hansard* that the Nisga'a negotiations started in the mid-1970s. It took a long time. To be fair, there the province wasn't engaged at the beginning. It took a long time before the province was at the table, which was necessary for them to actually move ahead.

[1550]

The reality is that these are extremely complex discussions, and it takes time. We have made adjustments to try and move things along. We've introduced the ability to revenue-share at the treaty tables, as something new that provides an additional benefit to first

nations and something that first nations have said is important. We've provided for what are called treaty-related measures, which are essentially ways of trying to find creative solutions to some of the problems that perplex us.

I would disagree with the member that the AIPs don't.... I'm not sure; maybe the member wasn't suggesting this. I took it that he was, perhaps, downplaying the importance of agreements-in-principle. I think the agreements-in-principle are fundamentally important, because they are a stage that fully engages the first nations community in reviewing exactly what the general pieces are of what a final treaty might be. And it gets endorsement from that first nation and builds some momentum to get towards final agreement.

Now, I would agree that when you have an AIP and then a couple of years later you're still wondering where the final agreement is, some of that momentum is starting to be lost, and I'm certainly concerned about that. To me, all that means is that we need to be continuously looking at what the critical issues are. And can we find a way, through a respectful discussion at the negotiation table, to get through them? Can we figure out where each party is prepared to be more flexible than they perhaps have been in the past, to get to that final agreement?

I want to be clear that my experience has been that the first nations at the final agreement tables.... That's the approach they want to take. They are truly interested in getting to that point of final agreement and showing to the world that this process is worth it and means a better future for their community and for the rest of the province.

The other thing the member said — and I recognize he's playing the devil's advocate here a bit — is that there is some suggestion by some quarters that dragging out the treaty process is to the government's benefit and to the first nations detriment. I would argue strenuously that dragging out the treaty process and not getting to the point of the final agreement is to the detriment of first nations, certainly, but it is also to the detriment of the province and the federal government.

One of the reasons that we are looking for interim means of working more collaboratively with first nations is because the treaty process is taking so long. There's a recognition by government that in the absence of treaties, we are compelled morally and legally to find a way that will work effectively with first nations so that we're taking into account aboriginal rights and title in the decisions we're making.

If we had a comprehensive set of final treaties across the province, that would be much easier. The certainty that benefits both first nations and the rest of the citizens of the province needs to come into play, and we don't have that certainty. That lack of certainty has a significant economic and social impact on the province, because we don't have those final agreements yet. So I would argue very strenuously that final agreements are very much a goal of the province, as they are a goal for the first nations involved in the treaty process.

S. Fraser: I won't argue with that statement, but as the minister has pointed out, the speed of this treaty process for all.... It was put in place for all the right reasons. I'm not criticizing that. But time has marched on, and we've only seen one agreement.

The minister's right. I mean, we're talking decades here and an awful lot of money, resources and time, while a lot of first nations communities have suffered and while our general economy has also felt an effect. The uncertainty is faced by all. That is what the new relationship is to address, in my understanding. That's one of the reasons that we, on this side, have supported that initiative.

[1555]

That being said, I don't believe that in the *New Relationship* document itself, there's even.... I don't think the word "treaty" appeared, if I'm not mistaken. It was simply absent in that document.

As the minister has pointed out, rather than resources being put in.... Because I didn't get a specific answer — and I've tried this a couple of times — I'm assuming there have been no new resources put in post-New Relationship to expedite the treaty process, either in full-time-equivalents or in specific budget items or in broadening of the provincial mandate for the negotiators to make a more progressive treaty process that seems to emanate from the provincial point of view.

These parallel or revenue-sharing measures are perceived by some as a more expedient way than treaty. That could be considered a self-fulfilling prophecy. I don't want to put words in the minister's mouth, but I didn't get an answer as far as: what are we seeing — with the acknowledgment the minister has stated, that this is a hugely lengthy process and costly to all? Has the ministry not put any new resources into expediting it at the treaty table post-New Relationship — which does not, as far as I know, mention treaty?

There's a disconnect here somewhere.

Hon. T. Christensen: I want to clarify that in the context of the treaty negotiations, revenue-sharing as part of the treaty is what is new. That's something that first nations had asked for. That's something that the province had shifted in being prepared to provide.

The member's right. There are other things that we're doing on an incremental basis outside of treaty that are sharing some revenues with first nations. But what is critical to recognize is that there have been adjustments within the negotiations to try to be responsive to issues that first nations have put on the table. Revenue-sharing is just one example of that.

I do want to confirm for the member.... I thought I had mentioned this when we were talking about the additional 21 FTEs in the ministry earlier. The additional 21 FTEs budgeted within the ministry are there as a result of a need for additional focus on behalf of the province at the final agreement tables and at some of the agreement-in-principle negotiations that are ongoing.

There's reason for optimism. Some of the negotiations are going better than they were in terms of get-

ting towards agreements-in-principle. Where we have agreements-in-principle, there are lots of reasons for optimism in terms of getting to final agreement. That has required additional focus by the ministry in terms of our resources on those negotiations, and that's part of the reason that we have those additional 21 FTEs budgeted: so that we can ensure we're getting that work done.

[1600]

S. Fraser: Thank you for the answer.

The revenue-sharing within treaty. What, specifically, are you referring to?

[S. Hammell in the chair.]

Hon. T. Christensen: What has changed in the treaty context around resource-revenue-sharing is that it has always been the case that if the treaty settlement lands.... If we've come to agreement in terms of the definition of the treaty settlement lands, those are lands that the first nation has complete control over. If revenues were generated from those treaty settlement lands, the case has always been that those would be revenues that the first nation would enjoy.

But at the insistence of first nations at the negotiation table to having a share of provincial revenues that may arise from lands outside the treaty settlement lands, the province responded to that insistence and was prepared, and is prepared, to negotiate a share of what are typically natural resource revenues from lands that may be outside of the treaty settlement lands themselves.

So they are lands that aren't under exclusive control of the particular first nation, but there still may be stumpage revenues, for example, or other resource extraction revenues that come to the Crown on those outside TSL lands or non-TSL lands. The province has been and is prepared to negotiate revenue-sharing on some of those revenues, and that's been in direct response to first nations at the treaty tables.

S. Fraser: Thank you for that. I know that first nations at the treaty table have been pushing for that. Isn't that a result of court decisions as opposed to treaty?

Hon. T. Christensen: No. That's a direct result of ideas at the negotiation table.

S. Fraser: It's kind of a circuitous path, but I mentioned courts. Last I looked, we had 44 cases. Am I accurate there, give or take?

Hon. T. Christensen: I don't know the exact number. That's certainly in the neighbourhood. The member may.... Well, the Attorney General would be the better department to answer that. I'm sure the member can get that from the Attorney General's ministry. The challenge in answering it outright, as well, is that it can change on a daily basis, unfortunately.

[1605]

S. Fraser: If the give-or-take number, though... Generally speaking, is it an improvement since the new relationship was announced early last year?

Hon. T. Christensen: I don't know the answer. Actually, I would hesitate to get into a numbers game around lawsuits that have been filed at any one point in time because there can be a host of factors that come into play. One of the things that has been identified in our new relationship discussion with the First Nations Leadership Council is a need to find... I guess it's recognizing that, unfortunately, in all likelihood there's always going to be some dispute at some point in the province or some issue that we can't come to agreement on and we're going to need the guidance of the courts.

It would be unrealistic to ever expect we're going to do away with litigation altogether, notwithstanding that many people might like to do that. So the reality is that we need to find ways that we can, perhaps, narrow those issues. We need to find ways so that where we find it necessary to involve the courts in trying to resolve issues, we can do that in as respectful a manner as possible.

The First Nations Leadership Council and first nations around the province have, on occasion, in discussions with me — and discussions with the Attorney General and others — raised concerns about how government has traditionally responded to a suit filed by a first nation. The typical government response, historically, has been what is a typical defence response, whether the plaintiff is a first nation or anybody else, and that is to deny, then to deny again and then to deny 12 other ways.

Having been trained as a lawyer, that's what you're trained to do. It's a simple way of sort of getting the lawsuit started, and then you try and work through the issues a little bit later. In the context of aboriginal litigation, that has often meant that the Crown was, in fact, denying that the first nation even existed. First nations, rightfully so, have expressed that that's offensive. I think any one of us would find it offensive to deny our very existence as a people.

We've tried to be responsive to that and listen to the concern and embark upon a discussion through the leadership council of: "Okay, how can we...?" Recognizing that litigation is going to happen in some cases, how do we do that in as respectful a manner as possible? And can we find a way to try and narrow the issues so that we're being realistic in what we come to agreement on and that the issues that we can't come to agreement on are as few as possible and as narrow as possible so that the court can make the decision as efficiently and correctly as possible to assist us in moving our relationship forward?

Now, that's a tall order. We're just embarking upon that work with the leadership council, but I think it holds great promise — notwithstanding that litigation is inherently an adversarial process — in moving the nature of that relationship away from it being so

adversarial and perhaps getting to what really are the nub of some of those issues that, unfortunately, the courts have to be involved in.

[1610]

S. Fraser: I'll venture to say we really haven't seen any improvement. I'd say we've backslid since the new relationship was announced, in incidences of litigation and reliance on the courts. As any key indicator of the success of a relationship, reliance on the courts certainly... I mean, it's been mentioned in the *New Relationship* document that they're getting away from the reliance. So that seems to be a weak point so far in this new relationship.

I would suggest that there's been... I appreciate and I agree with what the minister said as far as the intent of where we should be going with trying to reduce the reliance on litigation as opposed to negotiation. However, the government is still appealing decisions being made in the courts. If they're in favour of the first nations...

The Huu-ay-aht situation near Bamfield — if I'm not mistaken, there was an appeal pursued by the government. The case actually strengthened the first nation's position that they must be consulted on resource use in this particular case.

Am I correct? Did the government appeal that particular court decision?

Hon. T. Christensen: With respect to the Huu-ay-aht, we actually have — it would have been last fall — come to an interim agreement with the Huu-ay-aht First Nation. Unfortunately, what happens — and this is part of the reason that you want to avoid litigation, in terms of having a broad range of issues within litigation — is sometimes a court decision will be made that will address, perhaps, the specific issue at hand, but will also then raise a host of other issues.

As the Crown, you have to look through and say: "Okay, what are the implications of that?" While you may be satisfied that, okay, the court's given you appropriate direction on the primary issue, and you may then be prepared to deal with that... This is exactly what happened in the context of the Huu-ay-aht decision at the B.C. Supreme Court. We went and we negotiated with the Huu-ay-aht to come to an interim agreement. We were responsive to the court direction in that regard. The court also raised a number of other issues that were of concern. That, unfortunately, often requires: "Okay, we better get some additional clarification from a court of appeal on that."

That's certainly not my preference. It's one of the reasons that I am hopeful that we can move in a direction where we're narrowing the issues in litigation, so that we don't have unintended consequences for both sides, and so that we don't have the difficulties created that the perception of the fact that you're appealing it creates. There are going to be occasions where, unfortunately, we're stuck with having to take that step.

I can advise the member, thankfully, that in the case of the Huu-ay-aht situation, specifically, an appeal

was filed by the Crown. The situation has evolved. We have that interim agreement, and as a consequence of a host of factors, I am advised now that, in fact, the Crown has withdrawn that appeal. So there isn't an ongoing case there.

[1615]

S. Fraser: That's good news — the withdrawal of the appeal. Are there cases that the minister is aware of where a first nation is put in a position where they go to court; they use the legal system — as is the right of any British Columbian, any Canadian; and because of that, negotiations cease as a result of a position that the province has taken?

Hon. T. Christensen: Certainly, where we have a negotiation and litigation starts with that same party, we work very hard to try and continue the negotiation, to try and separate the issues that may be at play in the litigation away from the negotiation. Unfortunately, in some limited circumstances, the end result is that the host of circumstances makes the negotiation relatively meaningless.

Again, that's not, by any means, the preferred route for the Crown. If the member's asking whether we have sort of a set policy that once you file a writ, forget it; we're not talking to you anymore.... That's not the case. We do our best to try and ensure that, wherever possible, it is negotiation rather than litigation that is the path we follow.

S. Fraser: I'm glad it's not the norm. I mean, even as it does happen, when it does occur, I understand how unfortunate it is. But it is perceived in some circles as being punitive. If a first nation is going to court to try to find a legal remedy — which, again, is everyone's right — and the punishment is that they will cease to be able to be engaged in negotiations.... I'm not the lawyer here, but the quid pro quo isn't there. I find that offensive in some ways and so do a lot of first nations that have witnessed this happen or had to go through it.

Again, along with that are the expenses that must be incurred by the first nation. I don't have a question on this. I'm glad we're recognizing that this is not the way to go and that we're trying to avoid that for the future.

We referred to revenue-sharing earlier, and you clarified in treaty revenue-sharing.... Outside of treaty revenue-sharing, specifically, what are we referring to there?

[1620]

Hon. T. Christensen: I do, just for a moment, want to respond to the perception or suggestion that refusing to negotiate as a response to litigation might be done as a form of punishment. I can understand why it might be perceived that way. That's certainly not the approach the province takes. As I said, negotiation is the preferred route to resolve issues. What you, unfortunately, find when a lawsuit is filed is that everybody becomes focused on the specific issues in the lawsuit

and on whether what they are doing in the discussion outside of the lawsuit is prejudicial to the effective resolution of the lawsuit.

There's no question that litigation complicates any relationship, but I do agree with the member that it is the right of any citizen — and certainly, the right of first nations — to seek the guidance of the courts when needed.

Again, our approach is certainly not.... We don't want to encourage that. We'd much rather try and resolve all issues through negotiation. Certainly, wherever possible, we'll continue to negotiate resolution, rather than litigate it.

In terms of the revenue-sharing outside treaty, at this point, this is being approached primarily on a case-by-case basis in respect of particular projects that may be moving forward where it's clear that there's an impact on aboriginal rights and title interests. The Crown is looking to meet its obligations in terms of where there may be an economic component to the accommodation that we're to provide.

It is, though, very much on a case-by-case situation. It has, as the member likely knows, been identified as one of the significant elements in the new relationship and is referred to specifically in the *New Relationship* vision document. It is certainly an issue of active discussion with the Leadership Council in terms of how we come up with an effective sort of pan-provincial revenue-sharing regime.

S. Fraser: Thanks to the minister for that. Of course, mentioned specifically in the *New Relationship* document were the forest and range agreements. The government side makes a point of lauding those. I do have another take on that. When you're face to face with a first nations leader who's trying to decide whether to sign one of these FRAs or FROs, it's not always spoken of as a true negotiation or a good-faith negotiation. The way I've heard it described in some cases is as a gun to the head. In some cases there are very narrow, if any, negotiations available on these. It's basically, "Sign it or not," and often in the case where first nations are watching a resource being extracted from their traditional territory.

There's a diminishing return to not signing one, and there are issues around how that's laid out. Does the minister or the ministry have any say on what latitude is given in — "negotiating" is probably the wrong term — whether or not an agreement is arrived at in some cases?

[1625]

Hon. T. Christensen: The member is correct that forest and range agreements were identified early on as one of the issues that the leadership council wanted to work on with the province, and a great deal of work was done through last fall to try and come up with a better template for an agreement that would be more acceptable to first nations. That did result in a new forest and range opportunity template that was intended to try and address the concerns that first nations had

raised. Certainly, I'm aware that some additional concerns have since been raised about that template, and we're looking at those concerns and seeing what further adjustment can be made.

One of the challenges, as the new relationship discussion evolves and as we try to deal with issues identified through the new relationship, is that there's sometimes a tendency for us to want everything we do to solve all of the issues right now. What I had hoped we would accomplish in terms of the forest and range opportunities is find an agreement that was acceptable that provided additional opportunities for first nations to be engaged in forestry, recognizing that there were still some bigger issues that we needed to deal with over time and that we would continue to pursue with the First Nations Leadership Council.

Certainly, I think we need to recognize that this is an evolutionary relationship, and our ability to effectively meet the needs of first nations and engage in the discussion over time is evolving. We need to recognize that the original forest and range agreements and now the forest and range opportunity template.... Five years ago those opportunities for first nations weren't there at all in terms of having an opportunity to be engaged in the forest industry.

It's my understanding that we now have over 100 forestry agreements. We have, through those agreements, just under \$120 million over five years that is going to first nations. That's a significant improvement on what we had five years ago. Does that mean we sort of say: "Okay. This is done. We don't need to talk about it anymore"? I don't think it means that.

I think that we'll continue to be engaged with first nations in terms of how we ensure they're having meaningful opportunities to be engaged in forestry. How do we ensure they have meaningful opportunities to be engaged in a host of economic opportunities across the province? That's ultimately one of the goals of the new relationship: to ensure that first nations are participating in what we believe to be the huge potential for involvement of first nations in economic development in a host of sectors right across the province.

S. Fraser: I'll beg to differ with the minister on a point. First nations, certainly, were able to get direct awards through, I think, small business, so there were other avenues for this sort of thing to happen before the FRAs and FROs.

But my question would be: are these FRAs, FROs constitutionally protected?

Hon. T. Christensen: No. That's not the intention of these agreements. They're intended to provide an opportunity for first nations to benefit from the forest economy in the province and to, ideally, generate capacity to be involved in forestry in the longer term and have an opportunity to share in that natural resource.

[1630]

S. Fraser: I appreciate the answer. This is outside of treaty, so this is happening as a parallel process. I

mean, the forest and range agreements are signed, or the FROs are signed. They're not a long-term solution, and they're not constitutionally protected. Does the minister or the ministry believe that these are an acceptable alternative to treaty — to dealing with the resource issues that way?

Hon. T. Christensen: The forest and range agreements, the forest and range opportunities, are an opportunity to further involve first nations in the forest economy in this specific case. They're in no way a substitute for the treaty process.

I'm certainly hopeful that in building a relationship with a first nation, whether that's through a forestry opportunity or some other economic opportunity that a first nation is able to participate in and become engaged with the province in, we'll start to build some of the underlying relationships necessary to move the treaty process along — try and build some of the foundation for the tougher negotiation that's necessary in a treaty context.

All of the work we're doing, and in the development of a range of what I would call tools that allow us to better work with first nations in the province.... Those are by no means at any point intended as a substitute for the treaty process. They're intended, in some cases, to be complementary to the treaty process. They're certainly not intended to take away from the treaty process.

But it's a recognition that we can't simply rely on the negotiation of treaties to define our relationship with first nations. They're an integral part. I would argue that the ultimate expression of a relationship between a first nation and the province and the federal government can be found in a treaty. But there was equally a need to find means to develop a working relationship with first nations that is short of, and is perhaps part of, the road to getting to that goal of a treaty eventually.

S. Fraser: The reason I'm raising this issue as I have is.... *The New Relationship*, for instance, as I've mentioned already, I don't even think mentions treaty, but it does mention forest and range agreements. The forest and range agreements are simply not constitutionally protected, so they certainly.... There seems to be a priority there. Also, the Transformative Change Accord. I'm not entirely sure that these non-protected — constitutionally protected — agreements are consistent with that accord, the way it's laid out.

I see a discrepancy there. I'm just wondering if the minister could explain how that could be reconciled.

[1635]

Hon. T. Christensen: I apologize for the delay there. I'm not sure what the member is perhaps getting at. Certainly, *The New Relationship*, and the work being done pursuant to the original vision document, isn't intended to be a replacement for the treaty process. As I've said on many occasions, I think it's complementary to it. Ultimately, there's no question that treaties have

constitutional protection. For those first nations that are interested in pursuing treaties, we're very interested in doing that as well. But we recognize that there are first nations who — for a host of reasons that the member is better to ask them — may not be interested in pursuing treaties, at least through the B.C. Treaty Commission process.

Plus, there are first nations that, while they may be interested in pursuing a treaty, are anxious to better engage with government in the interim on a host of fronts. We feel there's a need to develop the tools to do that, and that's what the new relationship discussion with the leadership council is ultimately about.

The member has put some value on the inclusion of forest and range agreements in the wording of the *New Relationship* vision document. Those were included as an action item there, because they were specifically identified by the first nations leadership as a specific issue that needed some work. They already existed, so you had a nice item that you could specify: "Let's sit down and focus on this."

It wasn't intended to give them any greater value than other types of agreements. They were just identified as an opportunity for something that we could perhaps find some early success on.

I do want to emphasize very much that the discussions around the new relationship aren't intended to be a substitution for the treaty process. They're simply a recognition that on the road to treaty, we need to have a new relationship as well. We need to have a better relationship with those first nations and the tools to have a better relationship with first nations that haven't chosen to participate in the Treaty Commission process.

S. Fraser: Thanks for the answer. I apologize if I maybe was not clear on my linking. The treaty process to date has been.... We can all agree. It's been a very slow process. I'm not casting blame here. But I have suggested that part of that is the bottlenecks that have been in place and rigidity in a lot of cases at the treaty table, at least from the perspective of first nations at the table. They don't see a lot of movement there. Formulas have already been put in place, for instance, on how much will be allotted. So the negotiators themselves, even though they're not coming out and saying there's a formula.... Everyone sort of knows there is, as far as per head what we're getting.

In the forest and range agreements — post-new relationship — we're seeing similar formulas being suggested. So I don't see that as a part of any new relationship. It's exacerbating the old relationship. That's part of what the Huu-ay-aht case indicated. This formula, based on a head count, is simply not on, and that's one of the reasons I have a problem with this government appealing that.

[1640]

I understand the minister's explanation, but the perception is that it's getting around a critical piece of the forest and range agreements. Now, that formula, if I'm not mistaken.... Is it \$500 per head? I don't know it that well. It's still in place post-new relationship, post-

Huu-ay-aht case. I just don't see.... The forest and range agreements are not protected constitutionally, and they're based on a formula that's a head count formula, which the court has already said may not be inconsistent with negotiating in good faith and certainly wouldn't be a replacement for a treaty. But it's a piece of the treaty process that I think is flawed. Certainly, most first nations do.

That's the context of the question. Are these agreements that are being signed with first nations by the Ministry of Forests and Range consistent with the spirit and intent of the Transformative Change Accord and the new relationship, based on decisions made in the court, for instance, and based on that head count? Is that something the minister or the ministry is comfortable with?

Hon. T. Christensen: I'd point out to the member that we do have agreements-in-principle at six treaty tables, so we are moving forward. Those agreements aren't all the same. They're reflective of the negotiations at each of those tables.

We do go to the table and try to have a discussion about what the interests of the first nation are. What do they want to see at the end of a treaty negotiation, and how do we try to get there? Over time, in some cases a long period of time, the positions start to align, and then you get to an AIP. Then you find, "Okay, we've got to align the positions a little bit more," and hopefully, you get to that final agreement.

I think that there is an active negotiation process to get to final agreements. That doesn't mean that any party is going to get everything that they had hoped might be the result of a treaty when they first started the process. In some cases, views change over time in terms of what's the right mix as a variety of circumstances evolve.

[1645]

In terms of the forest and range agreements that the member mentions, we need to recognize these are relatively short-term agreements, in most cases — for a five-year period, is my understanding. They provide an opportunity for first nations to be engaged in forestry, to share in some of the economic opportunity that forestry provides. Certainly, they're not.... I think it's fair to say that nobody would argue that they're perfect agreements — at least I haven't found anybody that would — but they are something that provides a good opportunity for first nations to be involved in forestry.

There are a host of discussions around the broader issue of revenue-sharing that are live issues, that are topics of discussion with the First Nations Leadership Council. That is work that is actively ongoing with the leadership council. They're certainly very good at raising the issues and making sure that we're aware of concerns around different approaches to revenue-sharing, and equally, we try to explain the limitations that the province might face as well. Hopefully, through those discussions, we'll be able to come to some agreement on a revenue-sharing model that does work for first nations and for the province on a provincewide basis.

S. Fraser: Was the head count formula negotiated with first nations on the FRAs, or was that sort of mandated as one of the conditions?

Hon. T. Christensen: I can't answer the question, because my ministry wasn't actually involved in that aspect of the agreements. These are agreements that are typically signed by the Ministry of Forests and Range and a particular first nation, and the economic elements of the agreement are negotiated between those parties.

Certainly, the role that Aboriginal Relations and Reconciliation has played in working with the leadership council is to try and come up with a template for an agreement that was acceptable, or more acceptable, to first nations. We've gotten partway in doing that. As I indicated to the member earlier, there are still some concerns that some first nations have raised, and we'll continue to work away at seeing if we can find resolutions to those specific concerns.

S. Fraser: All right. The Ministry of Forests and Range is.... I found some of the issues quite confusing, and the minister has indicated that some of these formulas are difficult. The FRAs were specifically laid out in the *New Relationship* document. So the terms that went with them, I have to assume, since you're the lead ministry on this new relationship, and you have been dealing with the leadership council on this....

The negotiations on the FRAs — how did they come about? How were the terms made? Were they determined just by the Ministry of Forests and Range? Did the Ministry of Aboriginal Relations and Reconciliation have a liaison role there? Was there consultation with first nations?

[1650]

[H. Bloy in the chair.]

Hon. T. Christensen: It's important to recognize that the work done around the forest and range agreements, while important, is interim. These are interim agreements while we try to address a host of other issues. I can tell the member that in coming to the wording that's in the current FRO template, that discussion was between the province and the First Nations Leadership Council. There was very active involvement by the members of the First Nations Leadership Council, by staff in my ministry and with staff from the Ministry of Forests at various times. So it was a collaborative effort in trying to come up with a template that would be more acceptable to first nations.

This is just a template. Obviously, the agreement with any specific first nation is going to differ a bit in terms of what fibre is available or what dollars are available. So those are specific discussions between the Ministry of Forests and Range and that particular first nation on a case-by-case basis. That's without the involvement of the Ministry of Aboriginal Relations and Reconciliation, but we were involved in the development of the template document itself.

As I've said before, I recognize there are still some concerns with that template document. There are some concerns still with the overall arrangements around sharing of forest revenues, but those are.... Particularly, the revenue-sharing element is a discussion that is still a live discussion with the First Nations Leadership Council. Certainly, there wasn't an expectation that the template document would do away with the need to further discuss issues around revenue sharing.

S. Fraser: Okay. If I have this clear, the FRAs.... Post-FRA we've seen negotiations because there were some problems associated with them that have been.... There's been discussion at the leadership council level that has evolved to FROs. So the FRAs themselves.... I'm looking at this head count, this \$500 a head.

That formula.... I'll be clear here. I haven't run into any first nations in B.C. that are happy with that position. I will make the assumption, based on the answers from the minister, that the first nations were not involved in negotiating the FRAs to include a \$500-per-head count. Am I safe in making that assumption?

Hon. T. Christensen: Again, if one compares the FRO document with what was the FRA document, the member will see there are dramatic.... That's probably the wrong word. There are significant changes. The extent of the document is less in terms of what the Crown is seeking from the document, and it has really become a document intended to provide a forestry opportunity to a first nation without really seeking a great, great deal in return from the province. I think it's an effective document in terms of providing that opportunity to be involved in forestry.

[1655]

In terms of the economic part of it and what the numbers in any single agreement might be, that is not something that can be covered off in the template because it does vary on a case-by-case basis. So the Ministry of Forests and Range has a discussion and a negotiation with the particular first nation that is interested in taking up a forest and range opportunity. Those are case-by-case discussions that don't involve the leadership council, nor do they involve the Ministry of Aboriginal Relations and Reconciliation. What we were involved in was trying to provide a template document that would then be acceptable to more first nations who wish to engage in that discussion with the Ministry of Forests and Range.

S. Fraser: All right. Now, the inception of the FRAs, which were laid out in the *New Relationship* document.... The basis for the formula was — and I don't know where it came from — 8 percent of the AAC. This gets confusing, and even when the minister has tried to describe it to me, I have a hard time with this. I don't mean this minister — the Minister of Forests and Range. But the 8 percent of the AAC was part of that 20 percent clawback, and the 8 percent was assigned to first nations. From that came a \$500-per-head.

All of that seems to have happened pre-negotiation with first nations on the FRAs. Was there consultation? To create this whole animal that is an FRA.... That's a very important, fundamental piece of this agreement. Was that negotiated, or was it...? I was going to say ordained. I don't mean it that way. But was it a given? Was it a non-negotiable premise in this agreement?

Hon. T. Christensen: As I've indicated earlier — and I recognize the member may not be getting the response he wants, but it's the only response I'm able to offer — this ministry was involved in the negotiation of the template, the wording in the document, and in trying to find a way, working with the leadership council, that it would be an agreement that was acceptable in terms of its wording for first nations.

The use of that document in any particular circumstance then shifts over to the Ministry of Forests and Range in terms of determining what fibre is available and what the funding is that the Ministry of Forests and Range is prepared to negotiate with that particular first nation. In terms of how that discussion can occur or what the elements of that discussion are, those questions would be better addressed to the Ministry of Forests and Range, as they are responsible for actually negotiating those on a case-by-case basis. This ministry is not involved on that case-by-case basis.

S. Fraser: Thanks to the minister for that. I shall bring that forward in that set of estimates.

When we move from the FRA to FRO, then, as the minister had indicated, this did come back. This was a cabinet issue, so this minister and ministry would have had some involvement at that point. The first nations leaders that I spoke with that have concerns.... Everyone has had concerns, certainly, with this \$500-a-head aspect of it. At one point I was told — and it wasn't all that long ago, but it was.... I mean, there's a court decision that said that that \$500 per head was maybe not in keeping with a legal opinion.

[1700]

Then we moved to the FRO negotiations. I heard that there was a settlement at one point and that first nations leadership was happy with that. I'm taking a bit of a stretch here, but presumably because there was a removal of some of the more — I think it was worded — "insidious" portions of the FRA and there was an assumption of agreement....

That FRO agreement situation just sort of disappeared off the map for a period of time. It went to cabinet, I understand. Then when it came back from cabinet, there was inserted back into it some of the.... Again, this is from the Union of B.C. Indian Chiefs. They had a letter, I know, to the ministry that I was cc'd on, suggesting that.... That was the description that was used. I think "insidious" was the word. The most insidious pieces of the FRA were reinserted back into the FRO.

I'd just like to know what role the ministry played in that negotiation at cabinet level. How did this get

back in? It obviously was considered unacceptable through the negotiations that led to the FRO.

Hon. T. Christensen: I think we've got to recognize — well, and we do recognize — that we've come up with a new FRO template. There have been some concerns expressed about it by the Union of B.C. Indian Chiefs in particular. We take that feedback seriously. We've had some additional discussion about that. We haven't resolved that yet, but we're certainly aware of the concern, and we're not shutting the door on any particular discussion.

We do need to emphasize, you know, that some pretty big steps have been taken in shifting from the FRA to this FRO template. For the first time, the province has recognized in the agreement that the first nation does have aboriginal rights and title interests within its traditional territory in that agreement.

The agreement has expressed that it's not intended to define those rights, and I would hope that's for relatively obvious reasons, because that's a much more extensive discussion if we're going to get into a whole exercise where we're trying to define the specifics around particular aboriginal rights or the extent of a particular title interest.

[1705]

But there is a recognition by the province that, yes, the first nation does have aboriginal rights and title, and I think that's an important acknowledgement. By no means do I want to suggest otherwise. It's an important recognition of the first nations and a long-overdue recognition of the place that first nations have here in British Columbia and have had all along. Is this agreement something that resolves all issues? By no means. Certainly, I appreciate the input that we've received back from the Union of B.C. Indian Chiefs in terms of identifying where some additional concerns are. There are the broader issues around revenue that are in ongoing discussions with the Leadership Council, and all of us recognize there's considerable work still to do.

S. Fraser: I'm happy that there is recognition of aboriginal — I don't know if title is what you are referring to — resource issues on traditional land. I mean, since Delgamuukw we've had court decisions on that. Recognition is, I think, a fundamental part of any new relationship. I've got the letter from the B.C. Indian Chiefs here, and on the second page, section (c), it says: "The principle of recognition of aboriginal title is fundamental to the success of the new relationship, and provisions of the FRO, notably 11.5, is to the opposite effect."

Now, if I'm not mistaken, 11.5 is one of those "insidious portions" that was reinserted back into these FROs after it went to cabinet. Is that issue being addressed in what I understand are ongoing negotiations? I think that would be in keeping with that court decision that we were referring to earlier.

Hon. T. Christensen: I find the line of questioning around this particular issue somewhat curious. This is the first government that has ever recognized that a

first nation has aboriginal rights and title in the province. It's the first time that it has happened. What we have done, in the context of the FRO template, is for the first time put expressly — in an agreement that we're entering into with a first nation — that we acknowledge that their aboriginal interests continue to exist within their traditional territory as defined by them. What we have also said, though, is that that short forest and range opportunity agreement or template agreement is not intended to fully define the scope of what those rights might be. As the treaty process is a testament to, that is a very complex and long discussion in many cases.

I think one of our challenges in trying to reconcile the coexistence of first nations and recognize the rights and title interests of first nations in British Columbia coexisting with the four million people who reside in the province now and have moved here over the course of the last 150 years, is that if we focus all of our attention on trying to come to full terms and agreement on the specifics of rights and title, we're going to be talking for a long time and probably have significant disagreements, unfortunately.

If we can focus on ways that we can work together, I think that forest and range opportunity is a means of providing some benefit of forestry to first nations. It's a small example, and there's a lot more work to be done, but if we can focus on the tools to try and provide those opportunities, without requiring those tools to define everything, then we're going to start to build a relationship that over time creates a mutually beneficial coexistence and does provide true reconciliation.

[1710]

All of that is part of the discussion with the Leadership Council. I can recognize some disappointment where a particular agreement doesn't say everything that somebody wants it to. But there are a number of issues that we still recognize require considerably more discussion, and we're not shying away from that discussion. But we need to go down that path.

It's fair to say, and I think it's appropriate, that we all recognize there is still work to be done. We're committed to doing that work, but we have taken a major step in the history of the province by acknowledging that aboriginal rights and title exist. We have an obligation as a government to be working with first nations to ensure that in the decisions we make, we're taking those aboriginal rights and title interests into account in a way that first nations are agreeable with.

S. Fraser: I appreciate the statements from the minister. I will differ. I don't believe you're the first government to recognize rights and title. I think Nisga'a is an example of recognition of rights and title, arguably, and it's an ongoing process. I don't want to make this particularly political. You are the first government to ever introduce a referendum that has set the treaty process back, arguably, a number of years.

That being said, I will move off of this. In closing, I'd like to know.... We're spanning two ministries here.

I understand that it's a tightrope to walk. The Ministry of Aboriginal Relations and Reconciliation is the lead on the new relationship, which includes forest and range agreements. There is something of a disconnect. I think you could arguably say today in question period, forest stewardship plans are....

We're seeing a lot of discontent from first nations on some of these policies from other ministries. Since we've been with the Ministry of Forests and Range, what resources have you put forward in this budget that would specifically address, say, the education of ministers or ministerial staff — not yours, but other ministers and other ministerial staff — on the realities of the new relationship and how to implement the new relationship and how to be respectful of the spirit and intent of that new relationship? If you could put in how many full-time-equivalents are specifically designated to dealing with the Ministry of Forests and Range in that regard.

Hon. T. Christensen: I can understand the member's desire, in the context of a budget discussion, to try and ensure there is a contained budget for a particular initiative and specific FTEs allocated to that. The reality in the way this ministry works is that, arguably, the whole of our budget and the whole of our ministry are dedicated to pushing the new relationship and facilitating the new relationship across government. While we are the lead ministry within government around the new relationship, the reality is that on an area-of-policy by area-of-policy basis, we engage with other ministries.

[1715]

Quite frankly, my view is that that's the appropriate way. Rather than trying to bring a whole bunch of decision-making authority into this ministry, we're better to ensure that the new relationship and the principles of the new relationship are being embraced across government.

We have a number of structures that have been created to accomplish that. We have full-time executive director-level committees within government, on both the social side and on the economic side, that have been established to discuss how the new relationship works across ministries. As I mentioned earlier, we have two new assistant deputy ministers within the Ministry of Aboriginal Relations and Reconciliation: one focused primarily on the new relationship side and the economic side, the other focused primarily, again, on the social side and a number of the elements around the Transformative Change Accord. Certainly, my deputy minister plays a critical role at the deputy ministers' committee meetings, and it is a standing item to discuss the implications of the new relationship and the implications of other decisions and how those impact and integrate with the new relationship initiative across government.

So while it is a challenge to ensure that the reality of the new relationship is spreading across government, and there will be issues that have to be addressed from time to time, the reality is that considerable work is being done. While we can still do more, if

we look at the different service plans across government, there's increased attention in a number of ministries in terms of how they're working with the aboriginal community and with first nations specifically. We can look at a host of cross-ministry initiatives where they're led by another ministry, but they have significant implications for aboriginal people or first nations, and we play a supporting role and an advisory role in some cases.

We have the Ministry of Tourism, Sport and the Arts, which is working on an aboriginal tourism strategy. Again, they're the lead ministry on that, but this ministry plays a support role. We have, certainly, the mountain pine beetle initiative, which again, the Ministry of Forests and Range is the lead on, but which has significant involvement of first nations. The Ministry of Aboriginal Relations and Reconciliation has the opportunity to play, again, a support role there.

You know, the reality is that the list is pretty endless. As the member will appreciate, every ministry of government, in all likelihood, has some interaction with aboriginal people in the province or with first nations — in some cases in the same way that they do with all members of the province, but in other cases with very community-specific initiatives. In all those cases, this ministry is available to provide advice and support in how to best develop those relationships with individual communities or in trying to better serve an aboriginal group within the population.

S. Fraser: Thanks for the answer from the minister.

With the resource of forestry, you know, there's an inextricable link there with a lot of first nations. As cited today, I've received a number of complaints — I was cc'd them — to the ministry involved with forests and range, to the minister himself, regarding what, specifically, is considered a complete lack of consultation, meaningful consultation, that would be in keeping with court decisions.

I'm just wondering, is that...? This may be an issue where the minister is simply not up on the new relationship. When you hear that these things are happening... When the Ministry of Aboriginal Relations and Reconciliation is aware that a ministry or minister is, say, having significant challenges around the issue of meaningful consultation and accommodation, and the new relationship, how is that addressed?

Some of these ministries are cut to the bone, too. I mean, we've got a very slim staff that is having a real challenge in implementing all kinds of policies. When the new relationship is put in there, there are significant challenges around learning the sensitivities of those on the ground and at the ministerial level.

[1720]

So I'm going to be looking for something a little more specific. What resources can be put...? How do you budget for...? This ministry is a bit of a nebulous thing. I know it's new, but I'm having a hard time getting a grasp of... If you ask a ministry what resources they're putting towards the new relationship, they will

refer to you, so I'm coming back to you. I want to know where the resources are, because it requires tangible resources — money, full-time staff — to make a meaningful new relationship.

Sorry to be so long-winded.

Hon. T. Christensen: I appreciate the member's question, and I do appreciate the member's frustration in terms of sort of wanting me to be able to point to the new relationship SWAT team that will jump in when there's another ministry that has gone astray, or something. That's not the way this works, fortunately, because I don't think that would be terribly constructive.

It is important to recognize that the new relationship is not an initiative of the Ministry of Aboriginal Relations and Reconciliation. It's an initiative of government. It is a topic of discussion and evolution in ministries right across government. In that, many of the line ministries across government have officials who are dedicated to — as part of their job but not necessarily exclusively their job — being the lead contacts with this ministry in terms of working on issues that are specific to first nations as well as working on the general responsibilities of that ministry and how they may impact or interact with first nations.

So it's a pretty comprehensive approach in terms of how we are trying to ensure that we are cognizant of first nations' interests and working to reflect those interests in the work we do in each ministry.

The other thing I'll say as well is this. I know there's a perception out there, and I suffer from it sometimes, and I know, and it's fair... The public suffers from the perception that, close to a year ago, the government announced this new relationship initiative where we're going to find a more collaborative way of working with first nations in a manner where we're recognizing aboriginal rights and title in the province. That was a big step. But I think there's a perception that all of a sudden, somebody flips a switch and the world changes.

A relationship by its very nature evolves, and we do have, from time to time, challenges that may come up in a particular ministry, and then our ministry's available to try and work through those challenges. But the business of government... While we try to address some of the bigger issues that we're discussing with the leadership council around revenue-sharing, consultation and accommodation, as we try to bring life to the Transformative Change Accord and the principles embodied there... That takes some time and some work, and life still has to go on while we do that.

[1725]

So in the "life goes on" part, we're trying to do that in a manner that is reflective of the principles of the new relationship, but sometimes we actually have to get more work done in our discussion with the leadership council so that it can inform how we're working with first nations on a day-to-day basis.

We're working on that aggressively and diligently with the leadership council, but it is fair to say that some of the results of the work aren't coming as quickly as I'd like. I'm sure they're not coming as quickly as first nations, in many cases, would like. We're going to continue that work, and we're dedicated to getting it right so that we do move to a position where first nations around the province can say: "You know what? It has changed. My day-to-day interaction with the government has changed. It is more positive. I do believe that the government is trying to recognize the rights and title interests that my first nation has."

I get that we're not there yet on the ground. I do hear that, but I think we've made significant progress in the course of this last year in terms of how we're working with first nations generally. We have a lot more to do in bringing the specifics of that work down to the ground.

I think the New Relationship fund that we established... Was that last week or this week? It all runs together. It's a significant step in that direction in providing, in a very tangible way, one of the things that has been clearly identified as a tool that first nations and aboriginal people need in this province if they truly are going to participate in a more meaningful relationship with government.

S. Fraser: Thank you for that. I will certainly be getting some clarification on the fund and Bill 11 in just a little bit of time here.

I appreciate what the minister is saying, and I know that things don't happen overnight, but we have a lot of very high expectations. I'm not just talking about the aboriginal community. I'm talking about the business community; I'm talking about non-aboriginal communities that interact with aboriginal communities. It is the province that will get the net benefit from a new relationship. It's a \$33 million ministry, and if it is not providing active resources, budgeted resources, towards educating other ministries or ministers....

It's not just one. We saw an example today where I think there's a problem. There's a disconnect, where first nations have come forward and said they're not getting meaningful consultation in this case. That was one of the issues that was brought forward. But that isn't unique. We've seen it with....

The Chair: Member, noting the time.

S. Fraser: Yes? Well, I didn't note the time, no.

Interjections.

S. Fraser: All right, I'll note the time. What would you wish me to do? Shall I just shut 'er down or...?

Interjections.

S. Fraser: Okay. Is that the parliamentary term?

Noting the time, hon. Speaker, I suggest that we continue this discussion....

The Chair: Ask leave to report again.

S. Fraser: Thank you.

The Chair: The committee rises and reports progress and asks leave to sit again. You have all heard the question.

Motion approved.

The committee rose at 5:29 p.m.

The House resumed; Mr. Speaker in the chair. [1730]

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

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

Mr. Speaker: If the members would wait, the Administrator is in the precinct and should be in shortly.

Royal Assent to Bills

His Honour the Administrator entered the chamber and took his place in the chair. [1735]

Clerk of the House:

Forests and Range Statutes Amendment Act, 2006
Income Trust Liability Act
Small Business and Revenue Statutes Amendment Act, 2006
Miscellaneous Statutes Amendment Act, 2006
Attorney General Statutes Amendment Act, 2006
Finance Statutes Amendment Act, 2006
Settlement of International Investment Disputes Act

In Her Majesty's name, His Honour the Administrator doth assent to these acts.

His Honour the Administrator retired from the chamber.

[Mr. Speaker in the chair.]

Hon. M. de Jong: Mr. Speaker, I move the House do now adjourn, and wish all members a good weekend.

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

Motion approved.

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

The House adjourned at 5:37 p.m.

**PROCEEDINGS IN THE
DOUGLAS FIR ROOM**

Committee of Supply

ESTIMATES: MINISTRY OF
AGRICULTURE AND LANDS

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

The committee met at 3:08 p.m.

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

Hon. P. Bell: I'd like to start out by introducing the staff I've brought here with me. Immediately to my right is Larry Pedersen, who is the Deputy Minister for the Ministry of Agriculture and Lands, and behind me is Mike Lambert, who is the associate deputy for the integrated land management bureau. I also have a number of other staff with me, and I'll be happy to introduce them as we get into the discussion today.

These people here are amongst the leaders in the transformation of this ministry as we stand on the edge of a very bright future for agriculture and food industries, for Crown land management and for the development of clean environmental practices.

As we look forward, I find myself very excited about the opportunities for B.C.'s agriculture and food industries. I see, too, a system of land management that meets the public's needs, that takes into account the future of first nations in our province and that places a sustainable environment at the front of the government priority list.

As you know, government reorganized last year, creating two main components of my ministry: agriculture and Crown land administration, and the integrated land management bureau. I'll deal with these in order, starting out with agriculture.

[1510]

B.C. has the most diverse agriculture sector in Canada. We produce over 200 different commodities on our land base and farms, and another 30 different sea-food products are harvested or farmed in B.C.'s waters. More than 280,000 people create farm-gate sales of about \$2.3 billion, which translates into \$23 billion of consumer sales.

There are tremendous opportunities for us in our future, particularly with the 2010 Winter Olympic and Paralympic Games on the horizon. The many visitors to B.C. during that time will take away with them memories of the first-class foods and wines that they're served here in B.C. We want to ensure, in leading up to 2010, that our agriculture and food industries can take advantage of the Industry Opportunities Fund at the B.C. Investment Agriculture Foundation. More immediately, we want to promote healthy food choices for

British Columbians, especially amongst our young people and first nations.

With this potential ahead of us, we need to get our message across to the youth of British Columbia that farming is a profitable and rewarding career choice. I've identified four key priorities for the ministry that I believe are essential to assist current producers to take advantage of opportunities but that will also attract new young people to the industry.

The priorities are improving access for the farming sector to Crown land so that they can increase and diversify their production. I've asked the ministry to develop new forms of tenure to allow greater access to Crown land.

Increasing access to capital is also vital to agricultural ventures and represents my second key theme. Increasing the knowledge base of producers through research and development, extension services and access to expertise is the third key theme of this ministry. These elements can enhance the hard work of our producers and maximize profitability.

Finally, bridging the rural-urban divide, or rural-agriculture divide, will start to educate our non-farming community so that they understand that the efforts and skills necessary in our industry can provide for a healthy future. People living in our towns and cities need to be aware of what it takes to put high-quality, safe food on their table. Closing this divide can also potentially increase sales. The public is aware of how and where our food is produced, but not so as it pertains to our local agricultural community.

Of course, there are changes facing our producers too. Competition, poor weather conditions and low prices can all have adverse effects. Disease is another of those challenges. We hear a great deal about avian influenza in poultry. A while ago the big threat on everyone's lips was BSE. There's also a need for us to react quickly to threats when they reach our borders. That's why the ministry will be building a containment-level-three lab at the Animal Health Centre in Abbotsford. This lab, which will be built at a cost of \$13 million, offers another level of security both to workers at the centre and the general public. Beginning in 2007, testing results will be obtained faster than ever before. Level-three testing used to be done in Manitoba.

There's been concern expressed about where we stand with regards to biosecurity measures against avian flu. I'm not satisfied that we're at a point that completely protects our industry yet, and we're driving hard to ensure that this happens.

On the BSE front, the outlook for the B.C. cattle producers is much improved. In fact, cattle prices have returned for under-30-month animals almost to pre-BSE levels. B.C. and Alberta are working towards an age verification program for cattle that will go into effect in April of 2007. The good news on this front includes the decisions by the U.S. and Japan to accept Canadian cattle that can be age-verified today.

With respect to the World Trade Organization, I've asked industry representatives to come up with a B.C. position that can be agreed on by both supply man-

agement and non-supply management industries. In fact, we currently have seven of them working on that today. The WTO could meet as early as the end of April, and a ruling could have significant impact on the supply-managed industries.

It's prudent that we prepare our industry in the event of significant change. In February we announced the makeup of the six-member government caucus committee that is to draw up recommendations for a comprehensive agriculture plan for B.C. I look forward to recommendations that are brought forward by the opposition in the preparation of this plan. This plan is to be developed with input from various producer groups that will guide the path for B.C. agriculture for the next 20 to 30 years.

The committee is headed up by the Parliamentary Secretary for Agriculture Planning, the member for Delta South. I know that the member for Delta South already has been discussing plans with members of the opposition, who I know are eager to contribute to the development of this activity.

[1515]

Earlier this month we provided a grant of \$75,000 to the B.C. Fruit Growers Association to develop a long-term strategic plan for the tree fruit industry. This sector faces intense international competition, particularly from China and Chile right now, and Washington State. It's important that we build a long-term sustainable future for the industry.

Tree fruits remain a valued and historic component of B.C.'s agriculture industry, and they deserve our full support, as they build a sustainable plan for the future. This work will see them remain successful in a market that's becoming increasingly competitive.

Last year we established an all-party legislative committee, chaired by an opposition MLA, the MLA for Skeena, to make recommendations on the future of sustainability of aquaculture in B.C. We also continued to provide financial support to the Pacific Salmon Forum to conduct research and engage in community dialogue on key fisheries management issues in the province. My ministry will provide the required information to support both of these initiatives.

Moving on to Crown land administration. In the area of Crown land administration I'm proud of the progress that's been made in remediating one of the most contaminated sites in British Columbia. The area of the Britannia mine was once the site of deadly contaminants flowing into Howe Sound. Governments talked about cleaning it up for the last 30 years. Cleanup costs have been enormous, but we're doing it, and it's showing tremendous results already. This mine was developed a long time ago when environmental standards were virtually non-existent, and I'm proud to say that the partnership that the province created with EPCOR brought the Britannia water treatment plant on line with regulatory requirements on January 1, 2006.

Britannia is not the only contaminated site recently remediated. I'm sure members opposite will recall the Pitt River cleanup this past winter, where 22,000 tonnes

of debris were removed from the site — more than double what was originally estimated.

The ministry is also contributing half a million dollars, as its share of supporting prospector and environmental teams which will train first nations and other rural youth for jobs in mineral prospecting and reclamation of the earlier exploration mine sites. This is a joint program between my ministry and the Ministry of Energy, Mines and Petroleum Resources.

Moving on to the integrated land management bureau. The integrated land management bureau is moving forward steadily. One of the most exciting developments, in which my ministry played a part, was the recent announcement of the land use decisions on the central coast and north coast.

Our consultations and resulting agreements with many first nations in these two areas were very innovative. The announcement captured the attention of the world. Literally, there were 350 international papers that reported on this event. It was quite remarkable.

We're now looking forward to other areas around the province for similar sorts of successes, including Lillooet, Morice, Sea to Sky, Haida Gwaii, Queen Charlotte Islands. We're also initiating a process on the Sunshine Coast.

One of the more innovative programs referred to in the budget is Front Counter B.C., with \$3 million being set aside. The first of these offices started up in Kamloops and is being run as a pilot project. Our long-term plan is to open up other offices around B.C., including Nanaimo, Surrey and Prince George this year.

This will be a one-stop shop for individuals and companies inquiring about natural resource authorizations, tenured permits, licences, etc. and will cut through a lot of red tape that people find frustrating when they want to undertake activities that would provide economic benefit to B.C.

The integrated land management bureau is also in charge of the new on-line base map services that we rolled out earlier this month, which will provide map products and services, 24 hours a day, seven days a week. You'll be able to use your credit card and go on line to acquire these services.

Finally, the bureau also has responsibility for species-at-risk programs, in particular those focused on bellwether species, such as the mountain caribou and the northern spotted owl.

The progress made in all of these areas will help B.C. achieve our great goals of making our province the best-educated, most literate society in North America, to lead the way in healthy living and physical fitness, to lead the world in sustainable environmental management and to create more jobs than anywhere else in Canada.

I believe we have the tools and the conditions to do that, and I look forward to my Ministry of Agriculture and Lands playing a significant role in reaching those goals. I look forward to the members' questions.

[1520]

B. Ralston: I would like to thank the minister and his staff for initiating this process, and I look forward

to constructive exchange throughout the estimates process.

I want to begin by asking some questions about the Liberal Party committee on agriculture. I want to take the minister back to the Speech from the Throne on September 12, 2005. I'm going to read, just to place this matter in context, some of the quotations back from that particular speech:

Your government...congratulates the new official opposition and welcomes its stated desire to serve as a constructive force for positive change....

Your government will work with the official opposition to explore new ways of improving the Legislature's effectiveness for British Columbians. It will build on British Columbia's growing reputation as a national leader in democratic reform with several reforms in representative and participatory democracy.

There's some discussion about the second deputy speaker position, an expanded question period and extended opportunity for member's statements. The final quote which I want to provide the minister with is: "Indeed, all of these reforms will give the official opposition an unprecedented role in this Legislature."

Given that stated commitment on the part of the government, and particularly when we look at the Aquaculture Committee, which is chaired by an opposition member and is a true legislative committee in that respect, why then did the minister choose — if it was him — to appoint only Liberals to this committee to engage in this important public consultation on the future of a key part of the economy looking forward into the future.

Hon. P. Bell: I would like to start out by recognizing the member for Surrey-Whalley and the hard work that he's done to work with government on the agriculture industry in particular. We've had an opportunity to attend a number of different events together. I find it kind of interesting, because it seems like the agriculture industry is kind of the industry that binds the opposition and government together. It's the industry that doesn't appear to have, perhaps, some of the conflict that can occur in other ministries, and there isn't the kind of partisanship that there is in some of the other ministries. So I would just like to recognize that, because certainly I appreciate the work that the member has done, and I think it's been very positive.

To answer his question specifically, the formalities of how this process kind of flows in terms of the development of an agricultural plan I think is somewhat moot. I don't think it's particularly significant how committees are structured and so on, although I don't think we've ever formally said this on the record, certainly the member will know that. Well, no, I guess we have, because we've canvassed this in question period one day.

But certainly I am eager to work with the members in terms of them supporting this agricultural plan, bringing forward their recommendations for the agricultural plan. If the member feels it's particularly necessary to have some ministry support, we've previously offered opportunities for briefings and so forth to the member.

I'm not sure it's particularly relevant what the shape or structure of this is. I think the important part of it is that we are eager to come up with a plan that works for all of British Columbia here, and I think everyone has things to contribute to this plan. I think we need to work collectively in the creation of that, and I think we have the ability with the existing structure to do that.

B. Ralston: I would dispute that the form in which the committee is constituted isn't important. If it isn't important, if the minister is going to insist on his view, then it would appear that he's at variance with the direction set out by the government in its throne speech of September 12, 2005.

The structure that the committee takes is very important symbolically: to work together as a legislative committee, to have access to the Clerk of Committees, to have access to resources. Perhaps the minister can confirm that he is in agreement that the Committee on Aquaculture is going to make recommendations upon which he anticipates the government may deliberate and choose to act or not?

Hon. P. Bell: I'm sorry if I don't fully answer this question. I'm sure the member will remind me of it, but I think the question was: will government deliberate on the recommendations of the Special Committee on Aquaculture and then make decisions? That is correct.

[1525]

In fact, the recommendations will come forward from the special legislative committee, and once those recommendations are made, they will be reviewed internally within the ministry, and then we will take action as we see is appropriate.

B. Ralston: Well, I want to quote from that well-known journal *Country Life in B.C.*, "The agricultural news source in British Columbia since 1915," where this agricultural plan was discussed. My objection was recorded by the reporter, one Peter van Dongen. The minister's response to my query as to why there were no opposition MLAs on the committee was this — and I want to make sure that he was quoted accurately, because that's sometimes happens, even by the most meticulous journalist. "The intent is to develop an agricultural plan that will become government policy and be implemented by government," responded Minister Pat Bell calling the task force a committee of government caucus. "For that reason it would be inappropriate for the opposition to be included on the committee." So this quote is accurate.

What you're saying is that the government is going to come up with recommendations.... The Committee on Aquaculture will produce recommendations, which will be deliberated upon by government. The committee on agriculture will produce recommendations, which will be deliberated upon by government and possibly implemented. Yet, it's appropriate to have a majority of opposition members on the Aquaculture Committee and no opposition representation on the

agriculture committee. Square that circle, please, Mr. Minister.

Hon. P. Bell: I'm going to try and get at this another way, if I can, and perhaps compare the two processes between the two committees and try and clarify this for the member, because I really don't think we're a long way apart on what the end result is going to be and even what the process is going to be.

So if we look at the special legislative committee on aquaculture, the committee will meet, hold public meetings, do a bunch of work and prepare a report that will be delivered to the ministry. Cabinet will then take a look at that work and make a final decision on implementation of that work. If we look over at the committee for the development of the agriculture plan, the committee will go out and have some meetings, do some public work, and hopefully, the opposition will work with us and provide recommendations, as well, at the same time. They will then draft up a report, and the Parliamentary Secretary for Agriculture Planning will develop the final agriculture plan that will be implemented by the ministry.

[1530]

So the processes are not largely dissimilar, except, I suppose, the cost of having Hansard keep track of all of the information and all of those sorts of things that would be associated with a legislative committee versus some other type of committee.

I think the point here is that we actually think the opposition has something to offer in this matter. We would like to work with the opposition. If there are some technical barriers in terms of how it's functioning — I'm not sure that it is — I'd just encourage the member to work with us on this issue and see how it flows. If there are barriers to successfully developing a list of recommendations, I'm happy to discuss those. At this point, I'd like to see us work through it and see how it functions, and if it's a problem later, we'll talk about it.

B. Ralston: Back when we canvassed this in the previous set of estimates in the 2001 to 2005 period, the government — perhaps understandably, given the composition of the Legislature at that time — set out several committees: one on invasive plants; one on mining, which I believe the Minister of Agriculture and Lands, who was then the Minister of State for Mining, would be familiar with; and a third one on land use planning. Those were government caucus committees just as this one is.

The final report of those committees became a confidential cabinet document. In the case of the mining report, I understand that it has never been released to the public, similarly with the land use planning report. I believe there may be a leaked copy of the invasive plants report kicking around out there somewhere.

Is it a question of nostalgia for that period of 2001 to 2005 that led the minister to the particular construction of this committee rather than acknowledging the new era that was set out in this Speech from the Throne

on September 12, 2005? Or was he directed by Mr. Brown of the Premier's office to construct it in this way?

Hon. P. Bell: Again, this committee was developed and designated by myself as minister responsible. I was the one that established the process. Certainly, the member has pointed out some documents that were prepared for cabinet. I could also point him to the Small-Scale Salvage Committee that actually produced a report, and I believe it's probably still available on the website. It was fully posted.

We can talk about this if the member wants to spend some time focusing on this. I'm happy to do that. I really do think that if we work collectively together on this file, we're going to come up with something that makes sense. As I said, if the member feels a few months from now, as we get into the process, that it's not working, then I'll be happy to talk to him about it at that point.

B. Ralston: Perhaps we can canvass, then, the resources available to the committee. What the minister stated in the previous estimates was that these government caucus committees had no budget "other" and that they used the government caucus resources to travel, to prepare their reports and all that sort of stuff. So it would appear that there's no budget for opposition participation in this committee.

Indeed, the reason for striking a legislative committee is that there's an opportunity for the opposition to have some standing in the committee rather than having to sit at the back of the hall — to have some access to the planning of the manner in which the committee might tour the province. There may be some joint process in arriving at the locations, the length of consultation and also in being able to monitor just who is consulted with.

Obviously there's a great deal of public interest in the future of the agricultural land reserve, and I can think of many interest groups that will want to participate. Is the schedule going to be arranged at times that are convenient for public participation? All of those questions are open to an MLA who is able, as a member of the committee, to raise those questions and participate.

[1535]

I appreciate that the minister may wish to gloss over this area, and I'm appreciative of his goodwill, but there is a real structural difference and a real difference in resources and a real difference in the end product of a government caucus committee and a legislative committee. The minister is well aware of that and must have had some reason for choosing to exclude the opposition from this process. So far, it hasn't been articulated. Would the minister agree with that?

Hon. P. Bell: No. You know, there's no kind of nefarious plot or plan here to exclude anyone. We're early in the process. Perhaps it could be that this is where the member and I see this differently. I don't see the need

to spend a huge amount of resources on developing this plan. We've asked different members from around the province to participate because they have good contacts with different segments of the industry, whether it be, for example, the tree fruit industry, the wine industry, the grain industry in the Peace or the cattle industry in the Cariboo.

So I guess the view that I was taking of this — that it would be more appropriate to get out and talk to individual producers and association reps, as opposed to doing the more public type of review.... The Aquaculture Committee is somewhat different in that we are dealing with a fairly controversial industry. I think there is a need to ensure that we have a very public recording of all the documentation and that type of thing. I think that's appropriate, and it makes sense for both the opposition members and the government members sitting on that committee to have that model. That's why we felt it made a tremendous amount of sense.

I'm not sure that we need to put the same processes in place for the development of an agricultural plan. Certainly, the ministry could have simply chosen to do the agriculture plan by itself. There was a lot of good work done earlier by the ministry in terms of the development of this plan. But I, specifically, felt it made sense to engage certainly some of the government MLAs and, with the support of and at the request of the opposition, to bring forward some recommendations as well — so no nefarious plot.

The member has quite accurately pointed out the difference between the two committees and the funding models that work with the two processes. If he has more specific questions as they relate to funding processes, I'd be happy to answer those.

B. Ralston: Will the minister now undertake to publicize the schedule of public consultations of this committee in order that the opposition can arrange to participate and have the public discussion that the minister says he wants?

Hon. P. Bell: It is in development. The schedule is not fully developed, and we will commit here and now to ensure that the opposition has a copy of that prior to it being made public.

B. Ralston: Given that the minister has said that this process is in development — and given that I detect, perhaps, a note of regret about the way that this matter has proceeded — will the minister take advantage of the Apology Act, say that he's sorry and reconstitute the committee? Since the committee has not started, it's open to the minister to strike a legislative committee. So why doesn't the minister — I'm suggesting — take advantage of that opportunity, acknowledge what's been said, acknowledge a political misstep and head forward as a legislative committee? I'm certain that that step would meet more with the goals set out in the throne speech on September 12, 2005 than the present arrangement.

Hon. P. Bell: I don't believe that the Apology Act has actually passed or been proclaimed yet, so I'll have to hold back on that for a little bit, I suppose.

Again, the member is perhaps missing my point in that a legislative committee.... First of all, it is not in the minister's authority, I believe, to designate a legislative committee. Second of all, the model under which a legislative committee works meets the needs for certain types of committee work. I don't believe that it would be appropriate, nor would I suggest that it would be appropriate, to have a legislative committee develop an agricultural plan.

[1540]

It would be, in my view, far too cumbersome and complex to implement that type of a process. However, the member is obviously eager to participate and contribute to the plan, and the door is open for the member to do that, along with all the members of the opposition.

M. Sather: It was interesting — the minister's comments about agriculture being an area to bring us together. I had a sense of that not being controversial, and then I thought: boy, in my constituency agriculture is really controversial. Then I heard the minister say that it is a controversial industry. Certainly, it is in my area.

What I wanted to ask the minister about were some questions on that part of his ministry which is responsible for species at risk. Recently a report was revealed by the *Vancouver Sun*. Freedom of information, I think, was the route by which they came by the report by Wayne McCrory, who is a renowned carnivore biologist in British Columbia and has been for many decades. Mr. McCrory was largely responsible for the setting aside of the Khutzeymateen grizzly reserve a number of years ago up the coast.

He had some concerns that he expressed in his report on Kakwa Provincial Park, which I understand the minister is more familiar with — I'm sure he is — than I am. I had a brief opportunity to visit it years ago, but I didn't see it in its entirety at all. The issue in Mr. McCrory's report is around snowmobiling's effects on an endangered or threatened species — to wit, in this case, the grizzly bear and wolverine. COSEWIC, the Committee on the Status of Endangered Wildlife in Canada, lists grizzlies and wolverines as species of special concern in British Columbia, and I think that from many quarters we hear, particularly, about grizzlies and the concern about grizzly bears.

The issue around these two particular species has to do with their denning behaviour. As members probably know, grizzlies tend to seek a den where they can have enough snow to cover them for hibernation. Wolverines actually don't hibernate, but they do den in winter to give birth to their young.

Both are susceptible if disturbed in their denning process. The grizzlies have no normal foraging mechanism in winter because they are omnivorous, and so to be disturbed from their dens in the winter could be quite detrimental to them in terms of their energy balance and their ability to maintain themselves throughout that winter.

They also give birth during the winter to their young. So if a sow and cubs are disturbed, that would be detrimental in a large way, because the cubs are very small, very precocious — just as the wolverine pups are very small when they're born. It's an area of some concern.

Mr. McCrory, in his report, said that snowmobiling poses a considerable conservation concern with regard to Kakwa Provincial Park, the area that he was focusing on, in that the extended or extensive use.... Apparently, there have been up to 600 snowmobiles reported in a two-week period, so at times the park gets quite considerable use.

I wanted to ask the minister if there are any restrictions on snowmobiling use in the 177,000-hectare Kakwa Provincial Park.

[1545]

Hon. P. Bell: I actually have only been to Kakwa once, so I would have about the same amount of exposure as the member opposite with regard to the park.

I should highlight a couple of things.

I'm joined by Kevin Jardine now, who's the director of the species-at-risk coordination office — SaRCO — that is managed through the integrated land management bureau. The species-at-risk coordination office has responsibility for recovery strategies on three species, those being mountain caribou, marbled murrelet and the spotted owl. Our responsibility through the species-at-risk coordination office would be to develop strategies that will recover species that are challenged, and the three that have been defined for our responsibility are as I've indicated.

The ministry also has responsibility for land use planning in areas outside of parks, but park plans are the purview of the Ministry of Environment and would be better canvassed under that ministry.

M. Sather: I will take the minister's suggestion with regard to canvassing the Minister of Environment about this. But it does bring up another question or concern about our species-at-risk protection, or lack thereof, in the province. The fact that the minister is charged with only protecting three species in the province is of great concern, and so I would encourage the government.... I believe my colleague the Environment critic will be talking about this later on, but we certainly have a lot of concerns about species at risk and the protection of them in this province.

I would like to ask the minister, although I understand.... Notwithstanding his comments, I would like to ask him another question about that area, because it is a land use concern, and although, he said, not specifically charged with responsibility for species other than the three he mentioned — mountain Caribou, marbled murrelet and the spotted owl.... There is a concern there.

The minister does have some awareness of Kakwa Provincial Park. I understand that he says he's only been there once. One of the concerns has been around the snowmobiling club in Prince George, which has

petitioned to have continued use of that area and expanded use. As I understand, they've been petitioning various levels of government for some 40 years with regard to that park. A draft management plan for Kakwa would have kept snowmobilers out of two areas that are of concern: Mount Sir Alexander and Mount Ida.

Reports are that the minister has stepped into the fray on behalf of the club, which he apparently belongs to. I did want to ask him if that is correct and if in fact he did make that move.

Hon. P. Bell: The member is getting dangerously close to asking me to comment on MLA activities as opposed to ministerial activities, so there is actually a line there. As ministers, we are MLAs and have constituents and have responsibilities to represent those constituents as well.

But I want to start out by answering his first.... He made a comment that is, I think, inaccurate and was suggesting that.... Perhaps it may have been a question. He mentioned that the responsibility of the ministry is to protect species at risk. Our responsibility actually is to recover and establish recovery plans for the three species at risk that I mentioned. So the Ministry of Environment is the ministry responsible for protection of species at risk and recovery strategies around any other species, perhaps, than the three I've highlighted here, whereas this ministry and specifically the species-at-risk coordination office has responsibility for the three that I have mentioned.

But I will touch briefly, even though, in my view, it crosses the boundary between MLA work and ministry work.... Snowmobiling is a popular activity in the region, one I happen to participate in. I've been very open about that — that I participate in it. I've been a member of that club, which is a social club, for some time. I enjoy snowmobiling. I ride on various trails in the region on a regular basis and participate in activities. I'm not really a mountain rider. I enjoy riding on trails. When I have requests from constituents to represent their interests in the activities of government, I think that's appropriate to do. I'm sure the member represents interests of constituents in his riding, or he wouldn't be doing his job.

[1550]

M. Sather: I understand the role of recovery of species. But would the minister not agree that the habitat for a species is essential to their protection? We can't maintain a species without protecting their habitat, so in effect, does his role not include protection of the species?

Hon. P. Bell: If the member is suggesting that all motorized vehicle activity should be precluded from any areas in the province where there are any species, I would appreciate it if he would just say that and get it out in the open. This government, and I as the minister, support building species-at-risk recovery strategies based on sound science. That's exactly what we do; that's what we'll continue to do.

I would encourage the member just to be honest. If he is suggesting that it is inappropriate to have motorized recreational vehicle activity in the back country of British Columbia, say that.

M. Sather: Certainly, I'll canvass that issue a little bit more, and then the minister can see whether or not I'm asking that question. But I would like to ask the minister if he believes there should be any restrictions placed on snowmobile use in areas where there are species at risk.

Hon. P. Bell: Yes.

M. Sather: Thanks very much to the minister.

I wanted, then, to move on a bit to a species that the minister has acknowledged is within his bailiwick, that being the mountain caribou. Specifically, I wanted to talk about the mountain caribou in the Hart Ranges east of Prince George. The minister is probably more aware of it. I've never been to this area, so I'm sure the minister has more knowledge than I do about it.

There was a study released in November of last year by Dale Seip and others. Dale is a longtime caribou biologist. I remember him from Spatsizi. I think he was doing his doctoral thesis there in the '70s when I was working there.

In their report they comment that "three annual surveys found significant numbers of caribou in five census blocks with little or no snowmobiling activity but no caribou in a census block intensively used by caribou that should have supported 75 animals." The study concluded that "snowmobiles should be restricted from high-quality mountain caribou winter habitat."

In another study by Mr. Seip and Ian Hatter, another longtime biologist in the province, and others, they commented that: "Observations by researchers studying radio-collared mountain caribou show that they are displaced when snowmobiling activity becomes intensive." That's a pertinent descriptor, because caribou or other animals can be chased out of an area by a disturbance, whether it be snowmobiling or any other sort of disturbance — low-flying aircraft, helicopter or other. But the real question is whether or not they then return to that area. Is it just moving off a short distance, or are they actually being displaced? They're talking about them being displaced from their habitat.

They also talk about how the caribou in these areas are on rather gentle slopes — and that's where the snowmobiling tends to occur as well — and that if they're displaced, they are often displaced into more steep slopes, which again can affect their energy balance and their survival and their reproductivity.

[1555]

They go on to say that longer-term projects have noted that areas that were used by caribou in the 1980s were abandoned by caribou after snowmobiling use became prevalent. So I think that the science is becoming more clear on this, although clearly it's been discussed for some time. So I wanted to ask the minister if

he agrees that intensive snowmobiling in mountain caribou winter range poses a threat to those caribou.

Hon. P. Bell: The reports that the member points to were actually prepared by the recovery implementation group — the acronym is RIG — that this government established in 2002. So this government actually brought forward the need to establish recovery strategies, recovery plans, and has then moved on and funded the species-at-risk coordination office. We take this very seriously in terms of how we move forward.

That initial body of work that the member identified has been forwarded to the science team. That's a team of about a dozen internationally renowned scientists that have expertise in caribou recovery strategy specifically. They are preparing further recommendations that will be combined with socioeconomic considerations into a final document that will actually represent the recovery strategy for mountain caribou in the province.

The science that the member points to around snowmobile activity is somewhat mixed. There is, as I understand it, documentation of places where caribou have been found literally standing on snowmobile trails and just kind of move off to the side and back on after a snowmobile goes by. But I think what the member is really commenting on and what's important here is this: we need to ensure that we have effective land use plans for all the province. There need to be areas that are off-limits to motorized activity. There need to be areas that are available for recreational activity. That's our position. That's the position of this government.

I did ask the member a question. I notice he's been evasive about answering it. I'd just like to know, from the member's perspective, if he is supportive of motorized activity or not.

[1600]

M. Sather: The minister mentioned that part of the mix here with the ongoing science panel to which this has been referred — or re-referred, as the case may be — has to do with socioeconomic concerns. I wanted to know if one of those socioeconomic concerns is around the forest industry, vis-à-vis caribou winter habitat.

Hon. P. Bell: I should just point out that actually on the science committee that is preparing the further work are both Dale Seip and Ian Hatter, who the member referred to earlier. So they continue to work on this project.

Yes, in fact, the forest industry would be one of the industries that we would look at for socioeconomic considerations.

M. Sather: One of the concerns that I have.... Our critic on Forests and Range has quoted and talked quite a bit about some of these issues. One of the things in the new forest stewardship plans — and in the act, as I understand it, as I've read it — is that anything that happens in a forest, under the harvesting plan, has to

take into account that it cannot adversely affect harvesting, in a sense.

If the minister has to honour that role under the forest and range act, how then could he act to protect the habitat for mountain caribou if it was found that in so doing it would adversely affect the economic status of the forest harvesting operations?

Hon. P. Bell: I'm going to actually use an example of the spotted owl, if I may, because I think it will clarify the situation for the member.

We have established a spotted owl management plan area of 363,000 hectares in a couple of the lower mainland TSAs. Within those areas, it puts additional responsibilities for the establishment of any forest stewardship plans, as those plans are developed, and ensures that those values have to be fulfilled. So there are additional obligations that are created under the spotted owl management plan.

That same type of principle could easily be utilized in the establishment of a caribou management planning area, should that be the choice of government after all of the information flows through the science panel. I hope that explains an option for how that could be managed.

[1605]

M. Sather: I think that's problematic in that the move to the results-based forestry planning and the forest stewardship plans are not specific about conservation goals, but I'll leave that to the critic for Forests to enlarge upon.

I wanted to ask the minister, though, when the science panel would report.

Hon. P. Bell: The work continues. We anticipate that the science panel is going to continue to work through the summer months with, hopefully, conclusion early in the fall, at which point they will forward a report on to me.

I should identify for the member that there have been over 200 different submissions from groups on the strategy, which the science panel has accepted and is including in the body of its work. There is some consultation going on with different first nations groups. At this point — and just in anticipation of what may be another question — the plan will not be made public until I've had an opportunity to review it and government has made its decision.

M. Sather: The ministry caribou recovery plan for the Hart and Cariboo Mountains calls for a ban on forestry, roadbuilding and snowmobiling in core caribou habitat. Notwithstanding, if we leave aside forestry and roadbuilding and just focus for the moment on snowmobiling, does the minister agree that snowmobiling should be banned in this area as suggested by the report?

Hon. P. Bell: I'm not going to presume the work of the science team, and I'll be awaiting their recommendations.

M. Sather: The problem for the caribou is that they can't wait. As the minister knows, some of these caribou populations are extremely fragile, at risk of extirpation at any time. I would hope that the government and the minister will act with due dispatch and, if the science panel reports this fall, that the minister will make his decisions as a result of that report quickly.

One other area, though, around snowmobiling that I wanted to talk about — because the minister and his officials well know about this — is the role that snowmobile tracks play in the predator-prey balance. There has been quite a bit of research now showing that mountain caribou, which are evolved to make their way in deep snow, have a competitive advantage, if you will, with their predators — being wolves, primarily, and cougar in some instances. But the snowmobiling tracks are being used quite nicely, if you will, by the wolves, who are opportunistic, to get at habitat that the caribou would be safe in without these travel lanes.

So between the displacement function that snowmobiling... There is perhaps not conclusive evidence, and it's difficult in biology to get strict cause and effect relationships. But as a precautionary principle, I would hope that the minister would recognize that snowmobiling is displacing herds from their winter habitat and that this puts them at great risk.

[1610]

Between that factor and the other factors upsetting the predator-prey balance, does the minister not think that as a precautionary role, he could now act to put at least those areas that are most vulnerable, which have the smallest populations, off limit to snowmobiling?

[B. Lekstrom in the chair.]

Hon. P. Bell: I'm pleased the member has put on the record that he believes these areas should be closed to snowmobiling. I'm sure there are many constituents who will be eager to read his comments from the *Hansard*, so I appreciate that he has come clean on that position.

The member should do a little bit of research. The Hart herd is actually the healthiest herd of caribou in the province. There are 500 animals, and it's growing. It's not one of the most challenged herds.

I'm not sure exactly whether the member just simply hasn't done his research or whether he has been given some incorrect information. The areas where there actually is some concern about smaller herds are particularly in the Kootenays. There have already been extensive activities taking place down in that part of the world to ensure that those herds are protected in a way while we wait for the reports, including the development of the Cranbrook West Management Plan. They're working very closely with the various user groups in the area right now to ensure the caribou aren't displaced. The Kootenay-Boundary Land Use Plan. There have been a million hectares deferred from any further tenures in the region.

But in terms of the Hart herd, it is actually growing and one of the best herds in the province.

M. Sather: Yes, I was aware that the Hart herd is, I believe, the largest one in the mountain caribou range, in the northern part of their range. Notwithstanding that, caribou throughout the province.... There is a concern for their conservation, certainly for the mountain caribou. It obviously was for those scientists who made that recommendation.

But with regard to snowmobiling once again, I think the minister, from some of his comments, may think that I have a hatred for snowmobiling, which I don't. I used to snowmobile a great deal in the Peace River country, but I no longer do.

However, apparently the snowmobiles are far more advanced than they used to be. The little skidoos that we had in those days don't match up to those that go something like 160 kilometres or what not now. They certainly can get around.

The reason I wanted to talk a little bit more about that was that my understanding is that there was an accommodation between wildlife biologists and the Revelstoke snowmobiling club with regard to the Frisby Range that is believed would lead to some alleviation of the concerns around snowmobiling and mountain caribou.

[1615]

So I'm just wondering if the minister does not think there is room for further accommodation, if you will, with snowmobile clubs. They're the responsible snowmobile users, and unfortunately there are others that aren't. Does he not think more could be done along that line to alleviate the concerns?

Hon. P. Bell: We're always eager, and in fact, we encourage different groups to work closely with us in the establishment of land use plans. There are a number going on around the province right now. I don't think we've ever suggested that we have reached a place where we've accomplished everything that is necessary. There's much work to be done. We look forward to doing that.

M. Sather: The minister commented that there will be those constituents out there who would be interested in my comments vis-à-vis snowmobiling. I would suggest, also, that there will be quite a number who would be interested in his lack of commitment — as I see it — towards protection of mountain caribou vis-à-vis the concerns and dangers that some snowmobiling presents.

M. Karagianis: I have a few questions to the minister. I know that he and I had a brief conversation on some aspect of this, but I'm actually following up. What I have is a very specific situation with Polderside Farms. I know that the minister and staff are familiar with this.

It has led me to a number of other questions around their situation, which is not entirely unique. The story really goes back about three years to legislative changes with Vancouver Island and the Chicken Marketing Board and their attempt to bring outside a num-

ber of unregistered, un-permitted specialty producers that raised chickens.

In the course of the Polderside experience, as the minister may remember, the Poldersides were in fact quite compliant in meeting with the Chicken Marketing Board and in making an attempt to participate in the permitting process and comply with the new legislation on specialty permits.

My first question would be: what is the current state of registered specialty producers here on Vancouver Island as a result of this process?

[1620]

Hon. P. Bell: Thanks to the member for the question. I appreciate that we did have an opportunity to chat briefly about this.

The most current update we have is that in the last two weeks or so, I understand, there has been a list of all the specialty licences available for each of the regions — Vancouver Island, Fraser Valley, the interior and so on — from the Chicken Marketing Board as a result of the overall clawback of 5 percent of the quota available. So there's that. Then additionally, anytime chicken is transacted, there's a further 10 percent brought back in for new entrants and specialty producers.

As the member will know, the review done by FIRB — the Farm Industry Review Board — mandated the diversification of the industry and the availability for new operators, new entrants and so on into the system — something that we very much support. Actually, the process was started by the previous Minister of Agriculture and is one that I've continued on and support, because I think it's important that folks like the Poldersides have an opportunity to get into the business. They do some very unique and different things.

Beyond that, the member will know that the ministry does not actually manage the Chicken Marketing Board. That's done at arm's length. We don't have any further information with us specific to Polderside today, but we would be happy to arrange for a briefing from Bill Vanderspek, who is the manager of the chicken review board. We'll likely be back here on Monday, as I understand it, and I'd be happy to answer the question if the member would prefer to have it on the record at that time.

M. Karagianis: Actually, I'd be very interested in the report. Is that a public report on the actual number of permits in each regional area of the province?

Hon. P. Bell: I'm not sure I'm going to answer the question, so I may have to do this one more time. I'm not sure whether the member is asking about the FIRB report or specifically about the list of specialty licences that was just released. The FIRB report is available on the FIRB website, and the list of licences should be available on the chicken board website, as I understand it.

M. Karagianis: I will check out both the chicken board and the FIRB report.

Would the minister know whether or not the Chicken Marketing Board report, which lays out all of the specialty producers' permits that they're giving out, talks about the chronological order of when those permits were distributed? As you know, the Polderside story goes back three years, and I'd be curious to know the number of permits that were given out in that three-year period. Would that information be contained in that report?

[1625]

Hon. P. Bell: We don't have the information here. We will request that now, assuming the member would like that information. As I understand it, it will not take a long time to acquire that information. It's quite possible that we could have it for Monday. Again, if the member wants it on the record or just to provide it to the member, either way is fine.

But the whole premise — and I think this is important for the member to understand — is that we do believe very much in the sense of new producers having access to quota. We think the model that FIRB has brought forward for redistribution makes sense. It will allow new, innovative producers to start establishing products that consumers want and that there is a large demand for. That expands the marketplace in the industry, which from our perspective, I think, is a great thing. We want to continue to pursue the opportunities as FIRB has outlined so far and see what else we can do to allow for new entrants into the business.

M. Karagianis: Thank you very much. I will continue pursuing a line of questioning that came out of the Poldersides' specific circumstances.

Earlier in the minister's comments there was a reference to a clawback of 5 percent, and then 10 percent was brought back in for specialty producers. That is somewhat conflicting information. It seems a bit illogical. Perhaps the minister could elaborate on exactly what he meant by those two statements.

Hon. P. Bell: I guess I jumped ahead of myself a little bit on the 10-percent issue. I need to clarify that because I gave the member some inaccurate information. The 10 percent actually applies to other supply-managed industries — to eggs, hatchers and dairy — where, on the sale of quota from one provider to another, 10 percent of the quota is returned and redistributed.

Chicken is done differently, so please ignore my earlier comments. I was incorrect in my earlier comments. The way chicken reallocation is working is that each year up to 5 percent of the growth in the chicken industry is made available to new and specialty producers. So if the chicken industry grows by 7 percent in a year, then 5 percent of that 7 percent of growth will be allocated to new producers and specialty producers through an application process.

[1630]

If it were only to grow at 3 percent, then the reallocation for that year would be 3 percent, as an example.

I hope that explains how the reallocation.... People apply into the Chicken Marketing Board for that allocation, and it can only go to new producers and is provided to them at no cost.

M. Karagianis: If the minister could elaborate.... When you talk about growth in the industry, how does it occur? Is that growth in the number of applicants who wish to raise poultry, or is that driven by the number of chickens sold and the demand for chickens? How exactly do you gauge what that growth is?

Hon. P. Bell: I've just been advised that I've made a slight mathematical error. I had indicated the first 5 percent of the 7 percent of growth would be reallocated, and my deputy quite accurately identified that that would be something less than a percent if it was 5 percent of 7 percent. What I meant was that a full 5 percent would go to new producers. The remaining 2 percent would go to the existing industry. But I think the member and I were on the same wavelength, and it was only through the exceptional level of knowledge and ability of my deputy minister that he would understand that I'd made an error there.

Now I've completely forgotten what I was going to say about the question. Well, let's try it, anyway.

Interjection.

Hon. P. Bell: Oh, okay. So how do we measure...? I'm glad the member recalls. It's actually set by the national agreements, and it's set two ways. The first is by population growth. The great news, of course, is that B.C.'s population is growing again, so that helps us each and every year. The second is on the basis of per-capita consumption in your region. So as your consumption increases and as your population increases, you are assigned additional quota from the national agreement, and that is the quota that's then redistributed.

M. Karagianis: I do intend on getting back to the Poldersides' situation, but there are a number of questions that have come out of the way this growth is allocated. I do understand the numbers here, and it seems very logical as to how they are calculated.

[1635]

The minister said 5 percent of that new growth is allocated to new producers and specialty. New producers can presumably not be specialty, so we're talking about industrial, commercially grown chickens. How much of that 5 percent is given to specialty producers?

Hon. P. Bell: In fact, all of the new quota that is distributed does go to specialty birds, but the description of "specialty," I suppose, is open for argument. The Chicken Marketing Board, especially, establishes the definitions, but it would include something of the nature of roasters that Polderside was doing, different organic products and so on. The full, new allocation

each year does go to specialty producers in a sense, but it's kind of a larger description of "specialty."

M. Karagianis: So I have a question. You earlier discussed the fact that there's a different circumstance around chicken than around other products. Can you explain why chicken is treated differently? I will say that I do understand from my reading, as well, that turkeys, ducks, other forms of poultry are not treated the same way as chicken either. Why is chicken permitted in a different way, and why is it treated in a different way?

Hon. P. Bell: To start out, the member asked about different types of birds. Ducks are not a supply-managed industry, so it would not fall under any quota system. You wouldn't need to apply to anyone to produce ducks. Turkeys are. It is a different supply-managed commodity. There are five supply-managed commodities: dairy, chicken, hatchers, eggs and turkey.

FIRB, the Farm Industry Review Board, mandated a reallocation in each industry. They said to each of the marketing boards: "Tell us how you're going to accomplish that." Each of the five supply-managed marketing boards went out in consultation with their producers, and also with other groups that had an interest, and asked: "How would you like to reallocate that?" Specialty producers were included in those consultations and asked: "How would you like to reallocate that quota?" The Chicken Marketing Board's decision was that there would be this 5-percent reallocation annually.

The milk producers, as an example, chose to have 10 percent clawed back on each transfer or sale of quota. So every time a quota is sold, it is reduced by 10 percent. That's brought into the redistribution channel — same for eggs, same for hatchers. So each of the five supply-managed industries was able to determine how they wanted to reallocate. FIRB mandated the reallocation, at the direction of the previous minister, to engage in a process to determine how that might be done.

M. Karagianis: In this process of consultation, was there consideration given to the demand of the marketplace on specialty-produced product?

[1640]

Hon. P. Bell: The consultations would have included the processing industry, which clearly has an interest in how you market product out to the consumer. The chicken board is also currently pulling together a specialty bird advisory committee to make further recommendations on how to make further changes that will meet the needs of the industry.

Clearly, where the member is going is something that I'm very supportive of, which is the need to find niche markets and get out of the large-commodity game. That's absolutely critical. I'm very supportive of that. It's my hope that the member will bring forward some of her thoughts and recommendations to the agricultural planning group. Clearly, she has put some

thought to it, and that's worth taking into consideration.

M. Karagianis: I believe that the minister does anticipate where I was going with this. You know, there's a growing demand from the restaurant industry for specialty-produced poultry — in particular, chicken.

Of course, that's really at the heart of some of the story here with the Poldersides. In investigating further, that is being driven very strongly here on the Island, in fact. We know that a majority of our restaurants here on the lower Island are looking to be able to serve free-range, grain-fed animals of the highest quality, which certainly is the aspect of the specialty market that is not covered by commercially raised or industrially raised chickens. I can see that there may be some opportunities in the future to see some changes in this.

The 5 percent seems to be fairly modest, given the fact that the marketplace is driving a demand for this. I know that for the average consumer, we're now looking for those products — grain-fed, free-range — and the specialty producers are the ones who can satisfy that.

Now, you talked earlier about the processing industry being one real key and significant component of the whole consultation process. There's a lot of dilemma out there right now, I know, around processing — not only of poultry but in the meat industry as well. It's my understanding there is one processor here on Vancouver Island. Am I correct in that knowledge?

Hon. P. Bell: As I understand it, there's currently one poultry processing facility on Vancouver Island that would meet the new standard that is anticipated to come into play. There is one other that could be upgraded to meet the standard, but there's not been an indication that that plant will be upgraded at this point. There are two red-meat plants that could meet the existing standard. Perhaps two others don't meet the existing standard, but could be upgraded to meet the standard in terms of processing.

What the member points out, though.... I'm kind of anticipating. I should just let her, I suppose, ask all the questions. I think what the member is going to point out is a concern that I have: centralization of the industry. I've been pretty forthright with our producers that it concerns me a great deal. I think there are a number of reasons why the industry should be somewhat decentralized, including the implications of avian influenza and having 17 million birds in a relatively small geographic area.

[1645]

I've challenged the industry already to come back to me with their thoughts on what could be done to assist in a decentralization process. That all said, it's one of those things where we're between a rock and a hard place, in the sense that people have significant investments in much of their property. So I think it's not an easy thing to find resolution to, but it certainly is on my mind and is something that we need to deal with over time.

M. Karagianis: Certainly, I think the minister has moved into an area that had some concern for me as well. A lot of what I see around some of the existing specialty producers and the challenges they have is partly a by-product of some of that — not only the lack of access to processing but the fact that when there is only one processor, you get one price, one opportunity only. Either you comply with what that market has created or else you find yourself facing some significant challenges, which is really what I see has happened here with Polderside.

My understanding of the story for them and other producers here on the Island was that there was some effort for them to come forward and find out what it took to get permitted and get into the system and comply so that they could become more commercially viable — market their product and actually comply with the law. In the case of Polderside, the circumstances were such that they felt they needed to move from the Island in order to attain the permitting and the marketing opportunities to successfully raise the kind of specialty product that there was a clear demand for.

I know that you are aware of this story. They left the Island, leased their property here and moved to Chilliwack. They bought property there and awaited their permit, expecting that it was tied up in a process that had been affected by avian flu and, of course, their move.

Then the Poldersides found that, in fact, they had not received a permit, despite having then raised a generation of chickens. Those chickens were seized from them. Those chickens were then processed, and the Poldersides were unilaterally given a price that the chicken was worth — despite the fact that it was free-range, grain-fed, very high-quality chicken, worth considerably more than the commercial grade price for chicken.

In a process of actually trying to, I guess, avail themselves of knowledge and perhaps naively thinking that they had received permitting — and, in fact, having moved at the recommendation and suggestion of Chicken Marketing Board advisers — the Poldersides have found themselves really on the wrong side of the law with regard to how they raised those chickens and the seizure and processing of those chickens. Is the minister aware of the circumstances of that seizure? I see him nodding his head. I'm assuming I can continue.

I do have data here that shows that in fact, when the Poldersides appealed the price for that seized flock of chickens, there was an agreement that, yes, they had been underpaid for those and that the balance of funding owed to them would be remitted to them. So the Poldersides expected to receive some funding back from the processing of those chickens.

Through a series of unfortunate, I think, encounters with the marketing board.... They had to present themselves before the marketing board to kind of explain why they were raising specialty chickens without a permit. There were some, I would say, unfortunate encounters between the Poldersides and the Chicken Marketing Board, who then sought legal representation. Things got out of hand very quickly for the Poldersides.

[1650]

As a result of that, they were actually served with notice that a number of fees would now be levied against those seized birds. In fact, the Poldersides found that not only was the money that they expected to be coming to them in the amount of about \$37,000 not going to be remitted, but the fees that had been charged for the seizure of these birds left them now owing \$24,000 on a flock of birds that they had raised — specially produced chickens, highest grade — with the belief that they had a permit coming somewhere in the mail. The animals were seized, processed without the compliance of the Poldersides, and now they found themselves owing \$24,000, when they were expecting to get back close to \$40,000 to help offset their costs.

Now, the Poldersides have actually been, I think, fairly reasonable in trying to continue to work their way through the permitting process. I found that the 5-percent allocation here has a long waiting list. I know that the minister and I talked about the fact that there are probably twice as many producers waiting for permits as there are likely to be allocations.

I know that the Poldersides have also, then.... At a recommendation from when they talked to the Chicken Marketing Board and said, "What shall we do?" they were told to go raise ducks in the meantime, waiting for this permit.

I do have a list here. I have a document that they received from the general manager of the B.C. Chicken Marketing Board that kind of outlined all of the steps that they needed to take in order to receive a permit on this waiting list. There were a number of questions that were asked of them. I will say at this point that this occurred on January 30, 2006 — three years after the Poldersides had tried to comply and get a permit on the Island, found that they needed to move in order to get permitting and moved to the mainland. They raised chickens. Those were seized. They wrangled with the B.C. Chicken Marketing Board about getting true value for those chickens and then found themselves actually owing a great deal of money.

The Chicken Marketing Board then sent them sort of a list of things. "Is the applicant still interested in raising chickens? Will they be able to qualify under the program and general orders? Do they have a business plan ready? Is the applicant willing to locate to areas where chicken production is immediately required?"

Well, this is family who had actually moved. I would have added one more to this: "Is the applicant bankrupt yet from waiting for some solution here to the permit process?" The Poldersides have now been told, absurdly enough, that if they move back to the Island, they are likely to get a permit faster than if they stay where they are.

I think that's the first aspect. I'd like the minister to comment on that story, because then we move into another issue here around what they will be paid if they produce specialty chickens — they and many other producers.

Part of what I'm here for is as the Small Business critic, because I would think that this is extremely chal-

lenging for small business — to know that these stories exist. This has been made very public. As you know, it was an article that ran in a newspaper. I know that the Poldersides have talked with other producers as well.

From the small business aspect, I would say that this story alone is just horrifying for a small business, for encouraging small business. Perhaps the minister could comment on this story before I ask any further questions.

[1655-1700]

Hon. P. Bell: Specifically as it pertains to the wait-lists, what's occurred here and the reason why, as I understand it, the Poldersides have kind of been directed towards thinking about going back to Vancouver Island is that the wait-list is shorter on Vancouver Island. Again, as I understand, the board is attempting to move the system through as quickly as possible for all of the various applicants so that they can get into business and moving forward.

I think the member points out something that is quite accurate, though, in that the environment to get new processors to enter the business with innovative products, whether they be organics or roasters or whatever, has not kind of traditionally existed in the supply-managed industries.

It is a very large discussion — supply management versus free markets and which is the appropriate model to have. In Canada we have a functional supply-managed industry that's been in place for quite some time, and it is a national approach to supply management. It's one of those discussions that is very challenging. There are arguments on both sides of whether supply management is a good thing or bad thing.

I think what the member points out, which is very valid, is that there needs to be opportunities for new entrants and for specialty producers. We're very supportive of that notion, and the FIRB, the Farm Industry Review Board's process of creating some entry is, I think, a good start to that.

Has it gone far enough? Does there need to be more done? I think we should give it some time to allow us to find out how this process is going, because it's relatively new. The Farm Industry Review Board just delivered their report last fall, so we're not even into the first year of redistribution. I think we need to give it some time to see how that works.

But the notion of how we grow the industry and how we create opportunities for new, innovative producers that are maximizing the value of their products, as opposed to being largely in the commodity market, is one notion we certainly support.

M. Karagianis: Certainly the minister's remarks lead to, I guess, the other side of this coin, which is the processing as well. It would seem to me, from all the documentation I've read, that currently, processing really is geared so specifically to the larger commercial industrial producers that.... Again, I would think that that might be a barrier here to opening this up to specialty producers.

My question, then, would be whether or not the minister and government, as part of the mandate for the healthiest province, would see significantly changing the components of industrial versus specially produced products in the future.

Hon. P. Bell: I think what the member points out is exactly where we're trying to take the industry. There was an initiative started, I guess about a year and a half ago, in terms of trying to stimulate the growth in the processing sector, particularly with regards to abattoirs in the province, which would be for both white meat and red meat, depending on the facility. Largely, in British Columbia we have fairly small specialty-type markets, particularly for our red meat industry. We only slaughter about 60,000 animals a year in British Columbia — cattle, as an example. Some of the processing facilities in Alberta do 5,000 and 6,000 a day, so the scope of the industry is significantly different.

We have a very real interest in the meat industry enhancement program that we have in place — \$5 million that we put in place last year, or a year and a bit ago, to deal with specified risk material disposal. We're working extensively throughout the province trying to create an increased number of processing facilities.

We're very supportive of that notion. It is a key piece, I think, to having a successful industry in British Columbia and particularly in small communities. In southern Vancouver Island you've actually got enough capacity to kind of do some larger-scale facilities, but in Powell River, as an example — very challenging for them to be able to have a processing facility in a smaller marketplace like that. We've got to find innovative ways to allow that to happen in order to protect human health and also to have a successful processing industry.

[1705]

M. Karagianis: When the minister talks about these small areas like Powell River.... In fact, I lived in Powell River, and I do know that in past years you were able to buy specialty-produced, farm-raised animals, have them processed there and have access to that market.

What changed in that? Are those processors no longer available there? Why have we now moved so far away from being able to produce real healthy food in our own communities and have access to it? What has been the rationale for moving away from that, and how do we move back to that? Because that, in fact, is the trend of healthy living. It's the trend for the marketplace. You ask Thrifty Foods, which makes a fortune off the fact that they can give you access to farm-raised, grain-fed, free-range animals, and people go there to buy that rather than the commercial-grade chicken.

I know that in my local market they now have two sections in the chicken part of the store where you can buy just the mass-produced, industrial, commercial-grade chicken or all the grain-fed. I always see that the grain-fed section, despite the fact that it has a premium price on it — a higher price — is being accessed more often.

Could the minister explain to me how we've gotten so far removed from being able to buy local-raised chicken in Powell River that's processed there that we're actually now putting a huge deterrent to small business success in this specific area of agriculture?

Hon. P. Bell: I actually think the member answered her own question, because she pointed out, quite rightly, that there is huge growth in the marketplace around that opportunity around free-range, and that's why you see Thrifty's, as an example, having two separate aisles and having a far greater level of organics, Omega 3s — all the different specialty products that are out there.

I think, in fact, we are seeing growth in that sector right now. There is significant demand, and that's what drove the decision to get FIRB to go out and look at how we reallocate some of these volumes into specialty producers. Tons of work is still to be done, but it is a market we've identified that's key. I think the work of the agricultural planning group and the establishment of an ag plan really will help us move forward with that and create an industry that will continue to stimulate that interest.

I think that really is our strength in British Columbia. We are very good at producing specialty products. We've demonstrated that clearly through a number of different options in the province, the wine industry being a good example of one that has been incredibly successful, starting out as a specialty industry and continuing to grow at a growth rate of 20 percent to 22 percent per year. But there are other good examples other than the wine industry around that.

So I think the member has actually answered her question. It is growing. It needs to grow faster. We need to be part of that. The agricultural plan is going to be part of that equation. Also, as the member may recall, in my opening remarks I highlighted four key components — one of those bridging what I refer to as the urban-agricultural divide and getting people to think about purchasing locally grown quality products and how we do that as an industry.

I think the combination of the B.C. Ag Council... In fact, it's kind of suitable that we'll be continuing to debate estimates on Monday, because it's Agriculture Day in the Legislature on Monday. All members of the Legislature are going to have an opportunity to meet with the agriculture community and taste some of the greatest products grown anywhere in the world.

It's all part of the equation. It's all part of the development plan. Certainly, the suggestions that the member brings forward, I think, are useful and things we'll want to take and try and build on and try to figure out a way of growing that specialty part of the industry faster.

M. Karagianis: I only have a couple of last questions.

In the case of the specialty producers who are now on wait-lists, is there any idea of those numbers in each region and how long they'll be waiting to be permit-

ted? I mean, I think about the hardships caused when these are primarily small business operations that often don't have the kind of capital investment behind them to hold out for years on end.

[1710]

I mean, in the case of the Poldersides, I know they have been in direct communication with the minister for over a year. I'm astounded by the fact that they could even consider moving from the Island to the mainland or the mainland to the Island. I personally couldn't anticipate moving my business and making that kind of capital investment that many times in a short period of time without it causing real hardship.

[J. Yap in the chair.]

The number of specialty producers currently on wait-lists, I guess, needs some assurance. I'd like some assurance as to how long they are waiting. Is that producing a deterrent to the growth of this particular industry simply by the inertia of this waiting period?

Hon. P. Bell: The member asked a couple of questions. First of all, as it pertains specifically to the list, we don't have that information available here. Certainly, we can provide that information to the member, or the member could get it directly from the chicken board. We're happy to get that information.

The second question was: is it my belief that the current model we have, in terms of reallocation and redistribution of quota, is hampering the ability of the industry to grow? I don't think we know that yet, because we're very early in the reallocation process in terms of identifying what is the right number. Is it 5 percent? Is it 10 percent? Is it 20 percent? I'm not sure it would be that large. How many new entrants want to get in the business?

One of the real challenges that we're now having as an industry is attracting new entrants into the business. Now, that's not specific to supply management versus non-supply management; it's industrywide.

I think it's worth... With the understanding that the Farm Industry Review Board has created a reallocation model, with the understanding that many existing producers have significant investments in quota that's out there right now — that they have purchased — there needs to be a balance of the allowance for new entrants in the system to create new and innovative products and allow the market to grow. Clearly, that is the growth sector of the market. There's no question that the growth sector of the market is in specialty birds, is in organics to a much greater degree than the remainder of the market. The remainder of the market is growing but not at the same pace.

I think the member makes some valid comments. I think we need to see how it flows, how the reallocation model works, if it's necessary to increase reallocation. Perhaps there's already too much. I doubt that, but perhaps that's the case. Allow it to work for a period of time, perhaps a year, and then re-evaluate it at that point and see if it still makes sense.

M. Karagianis: I'm glad to hear that the minister is open to re-evaluating that, given the current marketplace and its demands. So I guess my other question here is.... I would be very interested in staying in touch with this process and seeing as it progresses.

[1715]

I do know that there are other specialty producers here on the Island who have talked to me as well. There is a concern about them being able to see it as a viable career and a viable business for them to grow and enlarge and invest in for their families.

There's just one curiosity here for me. Why is the rest of the poultry industry not treated the same way? Turkey has been promoted quite aggressively by, I guess, the turkey board people, and yet it doesn't have the same kind of constraints around it. It doesn't have the same kind of process. I originally wondered whether there was some tie to the avian flu or exactly how.... I know some of this goes back historically much longer. Why is turkey treated differently than chicken?

Hon. P. Bell: There are actually five supply-managed groups. That's why they call them SM5s: dairy, chicken, turkey, eggs and hatchers. Hatchers and turkey would be the two smallest kinds of groupings, with eggs, chicken and dairy being the larger ones. So the way turkey is managed and the way chicken is managed are the same. There is a quota purchase. In order to be a producer of either chicken or turkey, you have to purchase quota from another producer. It is managed under a national system. Ducks and geese are outside of that. It's only those five products that are supply-managed.

The one thing that the member may be thinking about is that turkey is growing rapidly. Of course, it's a

very healthy product that people generally enjoy, I think, and it's being promoted effectively. British Columbia's percentage of the total turkey allocation in Canada is significantly below our consumption, so there is much greater demand for turkey in British Columbia than what we're producing.

Turkey is coming in from other provinces as a result of that, so we are currently actively advocating for a reallocation of turkey quota into British Columbia from other jurisdictions to get us on a level playing field. We have not had a positive response from the national aid turkey agency yet. Whether we are successful in that or not, I'm not able to know, so we'll see where it goes. Certainly, if we were able to get the volume of quota that we should be allocated, there would be a significant opportunity in the turkey industry.

Introductions by Members

B. Ralston: Just before I move the appropriate motion, I wish to note in the gallery Assistant Deputy Minister Warren Mitchell, who tells me that this is his second-last day. Tomorrow is the last day, and he won't be here on Monday to provide continuing sage advice to the minister. On behalf of all of us, I'm sure — and many ministers back — I want to thank him for his public service to the people of British Columbia and note his retirement with regret.

With that, I would move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:19 p.m.

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