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THE HONOURABLE BILL BARISOFF, SPEAKER

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(Entered Confederation July 20, 1871)

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

**SECOND SESSION, 38TH PARLIAMENT**

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Afternoon Sitting

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WEDNESDAY, APRIL 26, 2006

The House met at 2:03 p.m.

Prayers.

### Introductions by Members

**D. Hayer:** It is my pleasure today to welcome members of Surrey Memorial Hospital Foundation to this House. Joining us today are the Hon. Herb Dhaliwal, Chris Midmore, Laurie Tetarenko and Genesa Wheaton. They are here today to meet with MLAs on both sides of the House. I will be meeting with them later on this afternoon. Would the House please make them very welcome.

**H. Lali:** I, too, would like to join the hon. member in welcoming my good friend Herb Dhaliwal, the former federal Minister of Natural Resources Canada, who is here in the galleries today.

Also, I have two constituents: Evelyn Armstrong and Anne Chong. I guess her real name is Guek Cheng Pang, commonly known as Anne Chong. They're constituents of mine from Merritt. Would the House please make all three welcome.

[1405]

**V. Roddick:** In the gallery today are several members of the Scleroderma Association of British Columbia. Visiting from Delta South and the GVRD are founding president Jeannette Stach, current president Barbara Stanyer, vice-president Bob Buzza, secretary Joan Kelly and members of the fundraising committee, Jocelyn and Vic Barber, Rino and Kelly Mauro and John Lewis. Also attending from Victoria are Cookie Dubney, Chris Stayr and Joan Roberts. Would the House please welcome them all.

**N. Simons:** In the House today I'd like to welcome Louise Herle, an inspirational teacher from school district 46. It's a pleasure to have her here. I wish I was 20 years younger and still in elementary school. Would the House please make her welcome.

Interjections.

**Mr. Speaker:** Members.

**Hon. C. Hansen:** About two months ago I had the opportunity to be flipping through a copy of the *Times* of London, and I came across an article about UBC's dean of the Sauder school of business, Daniel Muzyka. It was a great article talking about the tremendous job that he's done in leading that school and the great reputation that the Sauder school is developing around the world.

Dan was able to come to British Columbia because of our provincial nominee program. He was able to come as a landed immigrant to British Columbia and take up that very important post to lead our pre-eminent business school in this province. I know we'll

be learning a little bit more about the PNP program in a few minutes, but I hope the House will join me in welcoming Daniel Muzyka to the Legislature today.

**M. Sather:** Joining us today is Janice Wycherley, who is a teacher at Hammond Elementary School in my constituency. Janice is here for the B.C. Teachers' Institute on Parliamentary Democracy. Would everyone join me in making her welcome.

**Hon. B. Penner:** This week we are saying farewell to someone who has been a valued part of our government and the Legislature since 2001. For almost five years, Delphi Hoodicoff has had the daunting task of making me and my fellow colleagues of the government and the Legislature look good on camera. Whether she's been interviewing MLAs....

Interjections.

**Hon. B. Penner:** Nobody's perfect, Mr. Speaker.

Whether she's been interviewing MLAs on video for their constituency reports or recording the Read On B.C literacy program with the Premier, Delphi has been an important part of how we communicate with British Columbians about the work we do on their behalf. I'm advised she will now be pursuing a new small business venture of her own in terms of video production in Crescent Valley in the Kootenays. Without question, the capital's loss will be a net gain for the constituents of the member for Nelson-Creston. It's possible that Delphi will be able to make even the member for Nelson-Creston look good.

I want to personally thank Delphi for her endless patience and professionalism behind the camera more times than I can remember. I know that all members of this House will join me in wishing Delphi all the best in her new home and her new business. I'm sure she will be a very bright light well into the future.

**M. Farnworth:** A couple of days ago I introduced a group of students and their teachers from Archbishop Carney School in my riding, who were visiting the Legislature. Well, they obviously had such a good time that the teachers decided to bring another group back here. So I would ask the House to please make welcome....

Interjections.

**M. Farnworth:** I don't wish to disappoint the hon. House Leader, but Bill has decided he is enjoying private life and will not be challenging the member at the next election.

In the gallery today are Mr. Jerome Francis, Mr. John Borizzilo, Mr. Brygide Reis, Mr. Charles Harris and the students of Archbishop Carney Secondary. Could the House please make them most welcome.

[1410]

**S. Hawkins:** In the gallery visiting us today are two members of the Massage Therapists Association of

British Columbia. Damon Marchand is the president — that's his second term — and he's the newly re-elected president of the Canadian Massage Therapist Alliance. Bodhi Haraldsson is vice-president of the Massage Therapists Association of British Columbia and their director of research. I would ask that the members please help me make them welcome.

**C. Trevena:** I, too, will mention the member for Nelson-Creston, who earlier today met with teachers and students from Phoenix Alternative School on Saltspring Island and had a long conversation with them. They are now in the gallery. I hope the House could make them welcome. We have with us students Emily Timchuck, Geneva Lerner, Hauke Mackensen, Daniel Hoy and Alex Blanes. They are being accompanied by their teachers Stephen Berry and David Banks. I hope the House will make them very welcome.

**D. Hayer:** Today we have Brenda Locke, who's the executive director of the Massage Therapists Association of British Columbia and my constituent, good friend and a hard worker from Surrey, a former MLA for Surrey-Green Timbers and a former minister of mental health. Would the House please make her very welcome.

**Mr. Speaker:** Hon. members, in the House today I'm pleased to welcome and introduce 15 teachers from across British Columbia who are participating in the Legislative Assembly's third B.C. Teachers' Institute on Parliamentary Democracy. They will be with us for the remainder of this week, expanding their knowledge of both parliamentary and political systems. They are joined by four of their peers who are acting as facilitators. I trust many of you have had the opportunity to meet with them during the institute.

Accompanying them is Brad Hendrickson, deputy secretary from Washington State Senate, who is with us to learn from the neighbours to the north how to offer educational opportunities to their teachers. Would the House please make them welcome.

### Introduction and First Reading of Bills

#### PUBLIC SAFETY AND SOLICITOR GENERAL STATUTES AMENDMENT ACT, 2006

Hon. J. Les presented a message from Her Honour the Lieutenant-Governor: a bill intituled Public Safety and Solicitor General Statutes Amendment Act, 2006.

**Hon. J. Les:** Mr. Speaker, I move that the bill be introduced and read a first time now.

Motion approved.

**Hon. J. Les:** I'm pleased to introduce amendments to several statutes that are administered by my ministry. These statutes that are to be amended are the Gam-

ing Control Act; the Insurance (Motor Vehicle) Amendment Act, 2003; the Liquor Control and Licensing Act; and the Motor Vehicle Act.

The bill will strengthen our rules to ensure the integrity of the gaming industry. With this bill, government will be able to bring into effect the key measures introduced in 2003 to increase consumer choice and competition in the motor vehicle insurance industry. Public safety will be improved because we are streamlining the process for delegating authority to inspect liquor establishments to the police. This bill will help the commercial trucking industry by reducing red tape and paperwork and providing permanent trailer decals. Finally, the AirCare program will be able to utilize on-board diagnostic testing of vehicles when conducting emissions testing.

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

Bill 31, Public Safety and Solicitor General Statutes Amendment Act, 2006, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

#### TENANCY STATUTES AMENDMENT ACT, 2006

Hon. G. Abbott presented a message from His Honour the Administrator: a bill intituled Tenancy Statutes Amendment Act, 2006.

**Hon. G. Abbott:** I move that this bill be introduced and read a first time now.

Motion approved.

[1415]

**Hon. G. Abbott:** On behalf of the Minister Responsible for Housing, I am pleased to rise and introduce Bill 27, which proposes amendments to the Manufactured Home Park Tenancy Act and the Residential Tenancy Act.

These amendments will mean that residents in assisted-living and supportive housing facilities will be protected by existing tenancy legislation. Until now, landlords and tenants of these facilities had to deal with disputes themselves or resort to the courts. Costly and complex court procedures meant that complaints often went unheard and unresolved. This bill will ensure that there is a simple and inexpensive way to resolve their disputes using the existing mechanisms in the Residential Tenancy and Manufactured Home Park acts.

Bill 27 also adds new penalties for violating the Manufactured Home Park Tenancy Act and the Residential Tenancy Act. These penalties can be administered by the residential tenancy office rather than the courts, which means better accountability and more protection for tenants and landlords.

This act also amends the way residential tenancy office administrators are employed by the province.



Currently, arbitrators work as part-time appointees for the ministry, earning an hourly wage. With these amendments, arbitrators can be hired to work as full-time ministry staff.

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

Bill 27, Tenancy Statutes Amendment Act, 2006, introduced, read a first time and ordered to be placed on orders of the day for second reading at the next sitting of the House after today.

### Statements (Standing Order 25B)

#### CARSON CAMARO PROJECT

**K. Whittred:** High school students in the Carson Graham BCIT automotive technician training program have refurbished a classic 1981 Z28 Camaro and turned it into a sleek racing machine. In my community we affectionately call it the Carson Camaro.

Too often, we see and hear about the terribly tragic outcomes of street racing. Too many lives are lost and families destroyed because of speed by a few. Most street racers are youth. The Carson Camaro project aims to get the message to these youth that street racing is dangerous and deadly. Carson Camaro is part of an aggressive-driving, street-racing project that is based on the belief that youth listen to youth.

The project — a joint effort between the North Vancouver school district, the North Vancouver RCMP and a generous group of community sponsors — aims to take racing off the street and put it on the track. After all, if it's about racing, then let's get their attention through racing.

The Carson Camaro is built to compete at the B.C. high school motorsport association's drag racing competitions held at Mission Raceway. Mission Raceway is a place where racing is promoted safely and legally. By getting the students involved in building this car, they have the opportunity to be leaders in their peer group and to show fellow students the merits of speed and racing in a controlled, safe and competitive environment.

Carson Camaro is the only one of its kind and will be used in many future presentations throughout the community. It's a great project. I encourage all of you to welcome Carson Camaro when it comes to your community.

#### HAZARDS OF ATOMIC ENERGY INDUSTRY

**K. Conroy:** Today, April 26, is the 20th anniversary of the Chernobyl nuclear disaster. Until that ill-fated day 20 years ago, Chernobyl's power plant was a success. Its energy output exceeded all expectations, and its safety record was unstained. The chief engineer who designed the Chernobyl reactor used to brag that this type of reactor was so safe, it could be built in Red

Square in Moscow. However, the unthinkable happened. Due to a number of reasons, the reactor exploded, causing serious repercussions still felt today.

A young woman from Russia, Elena Filatova, sent a constituent of mine three documentaries and 250 of her photographs. She motorcycled through the Chernobyl area, capturing the haunting pictures of the ghost town Chernobyl 20 years later.

I had the opportunity to see some of these pictures at a meeting in Beaverdell on Monday, April 17. That night, Easter Monday, the community cleared out the firehall so that over 150 people could talk about their concerns about uranium mining. The story Elena tells with her pictures, one of which I keep with me, and the documentaries remind us all of the hazards of uranium mining.

[1420]

The facts presented of the health risks also laid bare the potential devastating repercussions: how the products of uranium have not only an incredibly long life — up to 4.5 billion years — but have proven to cause many cancers and blood diseases. Last week a new international report said that more than 93,000 people could still die as a result of the accident. This will be on top of the over 200,000 deaths that have already occurred.

The people at the meeting that night were a mix of the community and the region — ranchers, loggers, environmentalists and miners from Rock Creek to Beaverdell and retired folks who live in Kelowna but have property at the Big White Resort — all brought together for a common issue: the concern of uranium mining and its potential devastating effects to our area.

There is big money to be made in the atomic energy industry. The Blizzard deposit in the area next to Big White is said to contain ten million pounds of uranium, which at recent prices of \$50 a pound is worth about half a billion dollars. However, we were told by an area rancher who is also in the mining industry that it is just not worth it.

Today on this 20th anniversary of Chernobyl...

**Mr. Speaker:** Thank you, member.

#### PROVINCIAL NOMINEE PROGRAM

**I. Black:** With our booming economy, we have become increasingly aware that immigration of skilled and educated newcomers is vital to keep British Columbia strong and prosperous. Not only do immigrants enrich our cultural mosaic, they also bring skills, investment and more of the entrepreneurial spirit.

One plan to recruit skilled and in-demand immigrants to B.C. is the provincial nominee program, or the PNP. Since its inception in 2001, it has proven to be quite a success. In fact, over 1,750 skilled and business immigrants plus their dependents have made this province their home through the PNP. This creative, made-in-B.C. program approves applications in as little as four weeks, in comparison to the time frame for the traditional permanent resident status of as much as four years.

This enables the PNP-approved professionals to come to Canada, to B.C., quickly and to immediately establish or continue their careers while the rest of the federal immigration process takes its natural course. It is an excellent tool for B.C.'s businesses, allowing them to fill crucial labour vacancies by identifying immigrants with an ability to immediately contribute to our province.

I would be remiss today if I didn't acknowledge one PNP applicant who has joined us in the gallery, who has made significant contributions to our province. American Dan Muzyka was nominated into the PNP in 2002 and, since settling in B.C. with his family, has made immeasurable contributions as both the dean of the prestigious Sauder school of business at UBC and as the chair of the Vancouver Board of Trade.

I am delighted to advise that he and his family have all applied for Canadian citizenships. I would ask members to join in thanking Dean Dan, as the students affectionately call him, for his many contributions towards education and also call on all of us to promote the provincial nominee program in order to allow British Columbia to continue in its historical prosperity.

#### IMPACT OF FERRY SINKING ON SHELLFISH INDUSTRY

**G. Coons:** I was pleased that the Premier and the Environment Minister had the opportunity to visit the village of Hartley Bay, home of the Gitga'at Nation, and bestow upon them the first award for heroic achievement by a community. After the sinking of the *Queen of the North*, I spent three days in the village visiting the site, listening to the stories and witnessing the trepidation.

I was relieved to see and join with FNESS, the First Nations Emergency Social Services, as they were there to professionally debrief those in the village and especially those who were first on scene. I had the honour to join in the memorial feast that the Gitga'at prepared for the families and friends of the missing passengers. The donations of a rescue boat, a Polaris Seamaster, to the Hartley Bay division of the Coast Guard Auxiliary will definitely be put to good use, and any other equipment is more than welcome.

There is still a long haul to go. There's a major concern and a crisis about the long-term environmental impacts on the traditional shellfish harvesting grounds and the Gitga'at vital shoreline vegetation.

When I was in the village, the spouse of a hereditary chief wrote a story with her young granddaughter, entitled *But I Never Tasted One*. I would like to share that with you.

Today my teacher asked us how many of us had tasted abalone. I know that abalone was an animal that lived on the rocks in the water and that the shells were a beautiful rainbow colour. But I've never tasted one. My grandmother told me that long ago they used to be able to get abalone by the sackful, and they were delicious. But I've never tasted one. She said they were good raw, but if you're going to fry them that you had to pound them and then fry them and eat them with rice. But I've never

tasted one. I don't know what happened to them all. I just know there aren't any anymore, and I've never tasted one.

What will happen in 2010 if my teacher asked us how many of us have tasted clams? I wonder what I will say. I hope that it won't be that I have never tasted one.

[1425]

As band councillor Cam Hill recently stated: "Our natural resources are everything we have. The best anyone could give back to us is what we had before the sinking — a clean environment."

#### SCLERODERMA ASSOCIATION OF B.C.

**V. Roddick:** This two-minute statement is to raise awareness of scleroderma, or hard skin, which is a chronic progressive vascular and autoimmune disease of the connective tissue, resulting in the hardening of skin and multiple internal organs. Scleroderma does not discriminate. It's found in all countries and ethnic groups and affects all ages, from infants to the elderly. It is estimated that there are approximately 36,000 Canadians living with scleroderma, which is often extremely difficult to diagnose. Tragically, there is no known cause or cure.

One of my constituents, Joan Kelly, introduced in the gallery today, provided me with information about her amazing support group, the Scleroderma Association of B.C., which was founded in 1984 by five patients — one of whom is Joan.

Joan went on to discover four other patients in the lower mainland with the disease. By the determination and perseverance of these five women, the association brought this rare disease to national attention and continues to provide support and information to patients right across our country.

This local association supports the B.C. scleroderma research clinic at St. Paul's Hospital and is attended by patients from all over B.C. I would like to thank Joan and her team for making and keeping us aware of this disease and for her group's strong support and efforts on behalf of us all. Lives lived in the shadows are now being illuminated with hope.

#### 100 MILE HOUSE LIONS CLUB

**C. Wyse:** Recently 100 Mile House celebrated the 50th anniversary of the 100 Mile House Lions Club. It is indeed a major achievement for any service club to reach such a momentous birthday. Guests attended from all over North America.

The master of ceremonies, Ron Graves, recognized three charter members who were able to be in attendance on that evening: David Ainsworth, James Bruce and Charles MacLaren. This year's president, Mitch Campsall, introduced the evening's main speaker, Judge Ryan Stephenson of Calgary. Judge Stephenson is a past president of the international association of Lions Clubs.

Needless to say, the 100 Mile House Lions Club has served this community well over these 50 years. A few building projects it has supported over the years in-

clude the construction of a health centre and two hospitals as well as two arenas. The Lions Club supported an untold number of individuals requiring financial support while also providing for the needs of many individuals by purchasing such items as wheelchairs and support lifts that were too expensive for the person to purchase on their own.

The final achievement I wish to advise the House of today involves the Lions Club's ability to provide for the service needs of the Cariboo in general. This club sponsored or assisted the formation of service clubs in Clinton, 108 Mile House, Interlakes, Forest Grove 94, Williams Lake, Highways 24 and Lac la Hache.

In closing, I request that the House not only recognize the achievements of the Lions Club and its celebration of its 50th birthday. I wish the House to extend best wishes as the 100 Mile House Lions Club moves towards 100 years of service to its community.

[1430]

### Oral Questions

#### CLOSING OF ST. MARY'S HOSPITAL

**C. Puchmayr:** Yesterday the Minister of Health said that there was a crisis in the health care system. It was a long-overdue admission from a government that shut down long-term care beds. B.C.'s bed shortage has created a situation in ERs that more and more doctors are decrying as deplorable.

In New Westminster, at Royal Columbian Hospital, the hospital desperately needed more capacity, but instead we received less capacity. In fact, St. Mary's Hospital used to transfer one-third of their capacity to St. Mary's Hospital. Can the minister explain why this government closed St. Mary's Hospital and reduced capacity in acute care beds in a region that is expanding constantly?

**Hon. G. Abbott:** I suppose I should be used to having the members opposite take my comments out of context, but I will correct the record here. My comments were directly in relation to human resource challenges in the health care system and, in particular, in relation to the need for nursing positions, particularly in the emergency rooms of our province.

Again, I know members opposite don't like me to talk about this, but throughout the 1990s there was not a single nursing space added in our province's colleges and universities.

Interjections.

**Mr. Speaker:** Members.

**Hon. G. Abbott:** Not a single space through the 1990s. The consequence of that is it wasn't until 2001-2002, when our government took office and began an addition of 2,511 spaces — a 62-percent increase in nursing spaces in this province.... Now we are starting to see those young nurses graduate, and we will be

able to see the human resource needs met for the first time in a long time.

**Mr. Speaker:** Member for New Westminster has a supplemental.

**C. Puchmayr:** We saw how this government projects morale by tearing up collective agreements and eliminating workforce.

The crisis at Royal Columbian Hospital was designed by this government — 200 acute care beds in the region, and they closed St. Mary's Hospital despite serious warnings.

In 2002 an independent review panel submitted a report to the government that stated: "The most noticeable...result of the closure of St. Mary's will be the longer wait-lists for surgeries at other hospitals." The report went on: "The addition of surgical cases from St. Mary's will be an exacerbation."

Will the minister finally admit that it was a mistake to close St. Mary's and eliminate 20 percent of the region's acute care beds?

**Hon. G. Abbott:** Two important points. Again, the members opposite may not want to hear this, but this is a fact. During the 1990s we saw the largest-ever closures of acute care beds in this province. Over 3,300 acute care beds were closed in this province during the 1990s.

Apparently some of the members opposite have had a conversion on the road to Victoria. But they have to acknowledge the factual record, which was that during their term there were unprecedented closures of acute care beds in this province.

**Mr. Speaker:** Member has a further supplemental.

**C. Puchmayr:** The minister doesn't get it. Royal Columbian Hospital's crisis was created by design. St. Mary's dealt with 35,000 patients a year — 11,000 surgical cases, including joint replacements. St. Mary's Hospital was critical to relieving the pressure at Royal Columbian.

In 2003 Dr. Michael Piper, an orthopedic surgeon, quoted: "St. Mary's relieves the Royal Columbian Hospital of considerable pressure. Without this safety valve, the Royal Columbian Hospital is going to become even more congested and unworkable."

The government ignored the doctor's warnings and shut down St. Mary's — with 71 acute care beds, seven operating rooms — and turned the hospital into rubble. Will the minister intervene to ensure that this capacity is reinstated in an area that is growing at the levels that it is growing today?

[1435]

**Hon. G. Abbott:** We're certainly doing some designing. We're redesigning the disaster that was this former government's health care policies in the 1990s. That's the redesign work we're undertaking.

They were a government that closed over 3,300 acute care beds. They were a government that never

made any investments in health human resources. They were a government that let surgical wait-lists grow in this province. They were a government that couldn't manage the system. In fact, what we are seeing under this government are improvements for the first time in a long time in respect of surgical wait-lists.

Let's talk about the facts, Mr. Speaker: cataract surgery wait time reduced from 12 weeks down to eight weeks, open-heart surgery reduced from 12 weeks down to ten weeks. We have the best cancer care in the nation, in North America and quite possibly the world — less than one week wait time for radiation therapy in this province. They should be proud of our health care system instead of constantly criticizing it.

Interjections.

**Mr. Speaker:** Members.

#### HEALTH CARE SERVICES IN FRASER REGION

**B. Ralston:** Unfortunately, on the other side of the House blustergate appears to be continuing. The minister prefers bluster to dispassionate analysis. Long-term care cuts put pressure on acute care spaces. Acute care cuts put pressure on surgical wait-lists. All three of these put strain on overflowing ERs.

That's not my analysis; that's the analysis of Dr. Les Vertesi, the Premier's brother-in-law. In 2005 he told the CBC all about the competing demands for beds — the result, in his own words: "Patients pile up."

Will the minister admit that his government's failure to build 5,000 additional long-term care beds as promised and acute care bed cuts have driven the health care system — in particular, in the Fraser health region — to the situation that physicians decry today?

**Hon. G. Abbott:** Again, I know the members opposite don't like to deal with the facts. Any time they hear a set of facts that isn't in accordance with their ideology, they have a tough time dealing with it, and they call it bluster.

The facts are the facts. We have substantially reduced wait times for cataracts. We've substantially reduced wait times for open-heart surgery. And we've reduced it for angioplasty and cancer care. In a whole range of areas we've reduced it. In addition, the one area where we have had a challenge in reducing wait times, which is in hip and knee replacements.... Very recently we announced a \$60.5 million investment by this government to ensure that those who are waiting for hips and knees get timely service as well.

**Mr. Speaker:** Member for Surrey-Whalley has a supplemental.

**B. Ralston:** The minister talks about facts. Here is what the physicians at Royal Columbian say: "The current setting of severe bed shortage and lack of resources means patients will continue to suffer from our inability to see them in a safe and timely fashion."

That's a fact. That's what they said. That's what they're saying right now, not ten years ago. Yesterday the minister blamed the Royal Columbian crisis on a combination of population increase in the Fraser health region and an aging population.

St. Mary's Hospital, closed by his government, served a significant amount of the people the minister would call aging. According to Dr. Irwin Stewart, former chief of the medical staff at St. Mary's, that hospital was the most efficient surgical hospital in the region. On its closure, he stated: "Does it make sense? Not on your life."

If a growing and aging population is to blame, why did this shortsighted government take away critical tools the Fraser health region needed to meet growing demands?

**Hon. G. Abbott:** Again, I know the opposition members are always seeking simple solutions to complex problems. You know, when we look at issues around emergency rooms or hospitals or other challenges in this system, we try to look at the system as a whole and try to ensure that we add investments and resources where it's most appropriate.

[1440]

We have talked about health human resources and how important they are and how important training a sufficient number of doctors and nurses and health professionals is. It appears that the opposition may have had a conversion in respect of that.

Another area where I hope they will have a conversion is around the need for assisted living and residential care in this province. Our government has invested more than any government ever in assisted living and residential care. We have brought thousands of antiquated and older units up to standard for today. We are making unprecedented investments to ensure that the one-year wait time — one-year wait time — for residential care that existed under that former NDP government is now reduced to between 18 days and 88 days in this province.

#### STAFF MORALE IN EMERGENCY ROOMS

**D. Cubberley:** You know, it's always interesting to hear the minister opposite decry the closing of beds in the '90s but fail to take responsibility for closing one in five additional beds in this government's reign. Now why, if he says one is wrong, would two wrongs make a right? I mean, that's the question.

Earlier the minister was commenting on the staff shortages as being the reason for the crisis in emergency rooms — not bed cuts. So it's interesting how he doesn't want to listen to doctors.

What did doctors say yesterday? Dr. Glazer said the staffing problems are related to stress involved in doing emergency room work. Staff turnover is problematic. "We used to be considered one of the more desirable ERs to work in. In the past we poached several emergency physicians from VGH."

Now listen. "Now no one wants to work in the conditions we are forced to endure. Several emergency

physicians have voiced concerns about leaving. Experienced nurses have also been leaving our department because of the working conditions. The situation has become very demoralizing."

My question to the minister: do you care about the decline in morale in hospital operating rooms across this province because of the bed cuts your government implemented?

**Hon. G. Abbott:** I want to thank the opposition Health critic, first of all, for reading that long passage from the *Vancouver Sun's* coverage this morning of this situation. I hadn't had time to read the newspaper, and I appreciate him doing all the research and bringing that very, very complex question forward. I had....

Interjections.

**Mr. Speaker:** Members. Whoa. Members from both sides.

Do you want to start again, minister?

**Hon. G. Abbott:** Yes. I understood that they had human resource challenges over in their QP preparation department, and I guess I have just seen some confirmation with respect to that.

I don't want to get into a complex philosophical argument with the member about whether two wrongs make a right. That's complex stuff that we really should reserve for something like estimates.

I am happy to say this. We need a range of health care professionals to make our system work properly. We need nurses; we've talked about that. We need doctors; we've doubled the numbers of doctors that we're educating in this province. We have tripled the number of international medical graduates, and we've created nurse practitioners to meet a very important need.

**Mr. Speaker:** The member for Saanich South has a supplemental.

**D. Cubberley:** I think we understand just how fact-averse the minister is. But you know, maybe the minister needs to sit down with his colleague the Minister of Income Assistance, because he knows that there's a crisis at the ER in Kamloops. In fact, he openly complained, and we quote: "We seem to be lurching from one crisis to another." We are in fact lurching from one crisis to another. Patients and doctors and nurses are tired of being lurching.

[1445]

I'd think a minister would actually want to take notice when doctors tell him about unacceptable conditions at public hospitals, but clearly he's not interested in what doctors think. He might show a bit of concern, go and learn something firsthand rather than just deny and dismiss.

Now we know that the minister doesn't care whether morale is in the dumper in hospital emergency rooms, but my question is.... The Conference Board says you have the lowest patient satisfaction in

Canada. Does patient satisfaction with quality and timeliness of care that are deteriorating matter to you, minister?

**Hon. G. Abbott:** It's good we've moved from today's news over to the archives. I appreciate that.

I want to bring the member up to date on Royal Inland Hospital and the investments that have been done there — a \$28 million investment in the emergency room alone at Royal Inland Hospital; tens of millions of dollars invested in a 44-bed neuropsychiatric centre, brand-new in Kamloops; millions more invested in assisted living and residential care in Kamloops.

All of those things, I think, are getting us on the right road again after a decade of neglect. I know the members for Kamloops can tell me about all of the broken promises that relate to Kamloops by the former government.

We actually make those investments. We don't just talk about what we're going to do. We actually make the investments that are going to make this system a better one in the long term for British Columbians.

#### HEALTH CARE SERVICES IN KOOTENAY AREA

**K. Conroy:** Today we've heard a lot about the crisis in New Westminster and the Fraser health region. Perhaps the minister needs a reminder of the ongoing crisis in the Kootenays and the Interior Health Authority.

This government forced drastic bed cuts in Nelson, Trail and Castlegar. The consequences were recently reported by the regional district's health care task force. In this report the task force states that both Trail and Nelson hospitals are chronically overloaded. Average occupancy is often over 100 percent, resulting in inappropriate, dangerous early discharges. Patients are backed up into halls and clogging emergency because no beds are available — more transfers out of area. This is a crisis.

Will the minister agree immediately to increase the number of beds in the Kootenays so patients can get safe and timely care?

**Hon. G. Abbott:** Negative, negative, negative. What is it that the opposition members don't like about the \$31 million investment? In Cranbrook, in the Steepleview Care Centre, 47 beds; 25 assisted-living units at Joseph Creek Village. In Creston, 90 beds at Swan Valley Lodge; 21 assisted-living units at Orchard View Village; and another 20 residential care beds to open in 2007. What is it they don't like about that in Fernie-Sparwood, Rocky Mountain Village, 50 residential care and ten assisted-living units were added in July 2004?

The list, as they say, goes on and on. I'm sure the questions will go on and on, and I'm glad to pick it up after the next one.

**Mr. Speaker:** The member has a supplemental.

**K. Conroy:** I'm glad to know the minister is willing to pick up the questions. However, people in this prov-

ince and especially people in the Kootenays are incredibly frustrated about your lack of respect and responsibility to the people in that region.

This report was written by a task force of citizens, advocates and doctors in the regions. The minister can't just brush off their concerns with his bravado. This government cut 42 percent of all acute care beds in the West Kootenays.

Will the minister commit today that the ongoing review of the Kootenay Regional Hospital will examine the impact of all the bed cuts, and will he commit to add more capacity to get patients out of ER hallways?

[1450]

**Hon. G. Abbott:** One would think from the comments that the member is disappointed to have a major regional hospital in Trail. Is that the case? I guess not. I guess the member is appreciative, actually, of the huge investment that has been made at Trail in the regional hospital.

I know that in Cranbrook they are very appreciative of the major investments that have been made at the regional hospital in Cranbrook. I understand that \$8 million was expended in 2002 in the Cranbrook Hospital just to create heating, air-conditioning and ventilation to keep that hospital functioning.

What we have not seen under the former NDP government for that ten years was a reinvestment on the capital side that is so essential to keeping hospitals up to date. We are doing that. As I said yesterday, we've invested \$100 million just in emergency rooms. We have budgeted another \$1.8 billion for the next three years, again, to do a major capital reinvestment in those critical institutions in our province — the hospitals.

#### FEDERAL-PROVINCIAL CHILD CARE AGREEMENTS

**D. Thorne:** A report released today found that it costs an average of \$166,000 to raise a child from birth to age 18. A second report, also released today, confirmed that under Prime Minister Harper's child care plan, families who need the most support will benefit the least. Now that the child care tax credit has been officially eliminated, it's estimated that a family with two working parents and a combined income of about \$30,000 will actually get to keep about \$199 of Harper's \$1,200 a year.

Given the increasingly high cost of raising a child and these new concerns about the child care plan proposed by Prime Minister Harper, will this government finally take action? The question is to the Minister of State for Childcare. Will your government finally take action and ask the federal government to honour the five-year child care agreement that we reached with the federal government last year?

**Hon. L. Reid:** I'm pleased to respond to this question. Certainly we've canvassed these issues extensively in the estimates process — happy to put the comments back on the record.

We are indeed building a child care system in British Columbia and have been for a number of years. We have increased capital expenditure in British Columbia. We've increased operating expenditure in British Columbia. We will be looking with some detailed examination of the federal budget when it comes down, because at this point the member opposite's comments are sheer speculation.

**Mr. Speaker:** The member has a supplemental.

**D. Thorne:** In a very quick response to that comment, I rather think it's not speculation. After listening to the throne speech and hearing the comments from Ms. Finley and Mr. Harper, I think we know exactly where we are in this country, when the cheques are probably being printed already and are being delivered in July. So I think we know what the situation is. What we didn't know was that the....

Interjections.

**Mr. Speaker:** Members.

**D. Thorne:** What we didn't know was that the child care tax credit was going to be eliminated when this plan was introduced. Now we know this officially. To say it's speculation is totally wrong. Four other provincial governments have protested and called for these agreements to be honoured.

In March our Premier went to speak to the Prime Minister. He outlined his five key areas of concern, his priorities. Shockingly, with a loss to this province of almost half a billion dollars, child care was not one of them.

Interjections.

**Mr. Speaker:** Can the member pose the question.

**D. Thorne:** Get to the question, yes.

I want to ask, once again, the Minister of State for Childcare: will her government reconsider these earlier decisions? Will they finally stand up to Prime Minister Harper and British Columbia families and insist that the federal government honour this plan and honour B.C. families?

Interjections.

**Mr. Speaker:** Members.

[1455]

**Hon. L. Reid:** The member will recall from the press — and it was abundant — that this province was the second province to the table to meet with the federal minister days after she was appointed to cabinet. Our advocacy in this area is, I think, unparalleled. We in fact have taken....

Interjections.

**Hon. L. Reid:** The discussion underway in terms of....

Interjections.

**Mr. Speaker:** Members. We listened to the question. Let's listen to the answer.

The minister of state continues.

**Hon. L. Reid:** The family allowance piece is coming forward. The second piece of that is a commitment by the federal minister to collaborate with the provinces and the territories in terms of an extension of child care space in British Columbia and in the other jurisdictions in Canada. I intend to advocate fiercely for that second proposal.

#### FUNDING FOR RURAL SCHOOLS

**N. Macdonald:** This is a question for the Minister of Finance. Tracey Connery is a parent of a student in Martin Morigeau Elementary School in Canal Flats. This is a small rural school. She has written to the Minister of Education: "Our teachers do an outstanding job. However, they juggle three grade splits. There's no librarian. There's no music program. There is an inadequate special needs program."

Now, the mayor and council of Canal Flats have passed a motion asking the government to address the issue of educational funding formulas and how they discriminate against small rural schools. This is not a new issue to the Minister of Education, but nothing is changing.

The question to the Minister of Finance is this. Will she commit to investigating the issue? Will she understand it? And will she fix it, so that small rural schools get the funding they need?

**Hon. M. de Jong:** I would like to thank the member for the question. I'll take it on notice for the Minister of Education.

#### MICHAEL GEOGHEGAN AND LOBBYISTS CODE OF CONDUCT

**M. Karagianis:** Michael Geoghegan Consulting, on his website, makes the claim that he enjoys "a high level of access to decision-makers and opinion leaders within the government." Next to that statement is a picture of Mr. Geoghegan with the Premier. Mr. Geoghegan goes on to say: "We use this access not just to get our client meetings with key decision-makers but to get results. And we get results that others can't."

Mr. Geoghegan has quite a few pictures of himself with the Premier and other cabinet ministers in the government. But it is funny that Mr. Geoghegan is not listed anywhere on the lobbyists registry, although he is obviously selling access to the Premier and other key decision-makers.

My question to the Attorney General is: how can Mr. Geoghegan guarantee access within the registry without being part of the lobbyists registry?

**Hon. W. Oppal:** The Lobbyist Registration Act and the registry were brought in by this government, and they are important tools in ensuring openness and transparency. I note that the hon. member who asked the question was a ministerial assistant in the previous government, and I wonder out loud why this legislation wasn't brought in by that government when they were in power. I mean, if this is so important, I wonder why they didn't bring it in.

If the member has information or evidence relating to any transgression of the law and the failure to register, then obviously it's her duty to report that to the appropriate authorities.

Interjections.

**Mr. Speaker:** Members. Members.

Member for Esquimalt-Metchosin has a supplemental.

**M. Karagianis:** I do, hon. Speaker. Yes.

The Basi-Virk scandal has clearly shown us the shortcomings with the lobbyists registry. The federal government has recently tightened up the ethics code for their lobbyists registry, and their code was extensive and thorough. Here in British Columbia we have no code of conduct for lobbyists. Mr. Geoghegan, however, does have a code of conduct on his website.

Again to the Attorney General, I'd like to ask: are we left to rely on those selling access to this government to set the ethics bar for government?

[1500]

**Hon. W. Oppal:** Is this the Mr. Geoghegan who is a former ministerial assistant to the NDP? Just a rhetorical question.

If Mr. Geoghegan is in breach of the regulations and the law and the act, then that's a matter that ought to be brought to the attention of the appropriate authority, the Commissioner of Information and Privacy.

Interjections.

**Mr. Speaker:** Members.

[End of question period.]

#### Reports from Committees

**J. Rustad:** I have the honour to present a report of the Special Committee to Appoint an Ombudsman. I move that the report be taken as read and received.

Motion approved.

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

Leave granted.

**J. Rustad:** I move that the report be adopted. This report constitutes the committee's unanimous recom-

mendation for the appointment of the fifth Ombudsman of British Columbia. During our selection process we received 84 applications, many from eminently qualified individuals. Our job was to choose one that stood out above the rest.

Interjection.

**Mr. Speaker:** Member, can we have some quiet. It's hard to hear what the member for Prince George-Omineca is reading.

Continue, member.

**J. Rustad:** Our job was to choose the one that stood out above the rest, and it's that individual we are recommending to you today. The committee is very pleased to recommend Ms. Kim Carter to the House. Kim Carter has over 20 years' experience in administrative law, criminal law, policy development and public administration. She has most recently served as chief military judge of the Canadian Forces. During her career, she also served as a director of military prosecutions; deputy judge advocate general, litigation; senior counsel for the Canadian Forces before the Somalia Commission of Inquiry; and director of international law for the Canadian Forces.

All members of the committee are confident that Ms. Carter's expertise, commitment to fairness and balanced approach will allow her to build upon the strong foundations established by her predecessor, Mr. Howard Kushner. Ms. Carter was not able to be here today, as she is in Ottawa wrapping up her responsibilities there. I'm sure that I'll soon have the opportunity to introduce her to the House.

**L. Krog:** As one of the members of the committee and co-Chair, I simply want to express the thanks of all members of the committee to this Legislature for the trust reposed in us in doing this important work. I must say I am absolutely confident, as we all are on that committee, that we have selected an outstanding candidate who will prove to be one of the best appointments to any office in this province.

Motion approved.

**J. Rustad:** I ask leave of the House to permit the moving of a motion requesting the Lieutenant-Governor to appoint Ms. Kim Carter as Ombudsman for the province of British Columbia.

Leave granted.

**J. Rustad:** I move that this House recommend to Her Honour the Lieutenant-Governor the appointment of Ms. Kim Carter as the statutory officer of the Legislature to exercise the powers and duties assigned to the Ombudsman for the province of British Columbia pursuant to the Ombudsman Act, RSBC, 1996, chapter 340.

Motion approved.

## Orders of the Day

**Hon. M. de Jong:** In this chamber I call continued committee stage debate on Bill 24, the Resort Timber Administration Act, and in Section A, continued estimates debate. For the information of members, it's the estimates of the Ministry of Advanced Education.

[1505]

## Committee of the Whole House

### RESORT TIMBER ADMINISTRATION ACT

*(continued)*

The House in Committee of the Whole (Section B) on Bill 24; S. Hawkins in the chair.

The committee met at 3:07 p.m.

On section 1 *(continued)*.

**N. Simons:** I guess we'll just start off where we ended yesterday after that lengthy debate. For the purposes of those in the gallery, we're continuing the debate on Bill 24. I'm trying to find out, in section 1, a bit about the definitions. I'll wait until the Chair has resolved a question.

All is well; all right. Carrying on. Yesterday I asked the question if the minister specifically could describe to the House the process used to establish recreation areas, whether or not that was in policy or in legislation and what the involvement of the public was.

My question, to follow up. Many land use decisions involve a public procedure and require public involvement before a government decision is made. Is the process that establishes CRAs, in fact, a public one?

**Hon. O. Ilich:** I would like to outline for the members opposite — because I think there's some confusion as to what we're trying to do here with this act — what it is that gets you to a controlled recreation area.

The process is a lengthy one. The average time it takes is about 96 months to get through. That's the average time. We have some longer ones, which the members opposite are aware of — such as Jumbo, which has now, I think, been in the process for 14 years. But I'm just going to outline all the steps that it takes. As I said, 96 months is an average time for this to go through. It is a policy that has been in the government, and that the government has been using, for 25 years — the commercial alpine ski policy. I'd just like to go through the various steps for the resort approval and consultation requirements to get us to a controlled recreation area.

Stage one is the proposal process. Proponents submit an expression of interest to the ministry, a written statement of interest outlining the resort development concept. Key agencies and first nations are contacted at this stage to determine if there are any significant issues that would prevent a formal proposal from being



considered. Expressions of interest are advertised in local newspapers to determine public opinion.

Stage two is the review of the formal proposal, and that's if it gets to the formal proposal. This is a more detailed conceptual development plan that provides a technical assessment of the area to be developed, a statement of the business case, an assessment of environmental and land use issues, and proposed mitigation measures.

[1510]

If the review of the expression of interest finds that the project can move forward to the next stage, a formal proposal is requested. Referrals to first nations, relevant provincial and federal government agencies, local government and other stakeholders are made at that stage as well.

An interagency review team is established to review formal proposals and provide input into the land use decisions. Public meetings are held to solicit input into the land use proposal. The formal proposal is evaluated, and if acceptable, an interim agreement is signed between the ministry and the proponent. The interim agreement allows the proponent to conduct investigative studies and requires the proponent to prepare a resort master plan.

This leads us to the next stage — the environmental assessment review process. If the process is reviewable under the act, then the review occurs during the term of the interim agreement. In general, the environmental assessment contains four main elements: opportunities for all interested parties, including first nations and neighbouring jurisdictions, to identify issues and provide input; technical studies of the relevant environmental, social, economic, heritage and health effects of the proposed project are determined and done; identification of ways to prevent or minimize undesirable effects and to enhance desirable effects are taken into consideration; and consideration of the input of all interested parties in compiling the assessment findings and making recommendations about project acceptability.

We then move to stage four, if it gets past that stage, which is a review of the resort master plan. The resort master plan is a detailed plan that sets out the phased and orderly recreation and real estate development, if any, if that is to occur within the controlled recreation area. It provides technical and management information necessary to support the sustainable development of the resort.

The proponent prepares the resort master plan based on conditions and requirements identified from the earlier environmental assessment certificate, from first nations consultation, from agency recommendations and from investigative studies that have been done — for instance, as to wildlife, water, sewer, erosion, land stability, wildfires, socioeconomic assessments, etc., which have all been taken into consideration.

A draft resort master plan is submitted to the ministry to ensure identified issues are addressed. The resort master plan is reviewed again by an interagency

review team. An open house is held for public review and input. The resort master plan is posted on the website for additional public input. First nations consultation and accommodation discussion is completed at that stage.

We then move into the resort approval process. At this stage, decisions made by the ministry to approve the resort master plan are based on an outcome of all the consultations completed. We do a master development agreement that is issued and incorporates all the terms and conditions identified in the resort approval process.

The resort master plan is the legal component of the agreement that sets out the phased and orderly development of the resort, and the master development agreement then actually establishes the controlled recreation area. Local government officials will also sometimes come into play at that point.

This process has been in place for 25 years under the commercial alpine ski policy. As I said earlier, it takes an average of 96 months to complete. There are many opportunities for public review and stakeholder inputs.

**N. Simons:** I thank the minister for the explanation. Can the minister explain whether this is in legislation or regulation?

**Hon. O. Ilich:** The enabling legislation is the Land Act under the Ministry of Lands, Parks and Housing.

[1515]

**N. Simons:** The alpine ski or alpine resort policy, I understand, was slated to be replaced. I'm wondering if there's any guarantee that the stringent regulations as described will be carried forward in any new regulation or policy.

**Hon. O. Ilich:** The commercial alpine ski policy, as I said, has been in force and effect for 25 years. It is something that is taking 96 months for us, on average, to approve with all of the public inputs that I previously talked about. We are looking at ways at this moment to streamline that policy, and this current legislation is part of that.

We have had a task force to look at what we can do to streamline that. At the moment, resorts are \$2 billion of our \$10 billion tourism industry. There are 25 existing resorts that contribute much to our economy, and we are looking at ways to streamline that. This current legislation in front of you is part of that process.

**N. Simons:** Is it possible that controlled recreation areas could be designated within any provincial parks?

**Hon. O. Ilich:** No, not with this legislation.

**N. Simons:** My concern isn't so much with whether it's possible under this legislation. But is there any policy that prohibits the inclusion of parks in an area that would be under consideration for controlled recreation areas?

**Hon. O. Ilich:** This legislation does not contemplate actually creating any controlled recreation areas. The controlled recreation areas are created by the process that I just outlined. These are policies, and we concern ourselves with policies that are outside of parks and under the Land Act. We don't have any intention to do anything with this legislation under the Park Act.

**N. Simons:** Can the minister let the House know how many square kilometres are currently designated as controlled recreation areas in B.C.?

**Hon. O. Ilich:** We do currently have a list of 25 controlled recreation areas. We don't have it in square miles, but we do have it in hectares. I can give you that if you would like. I can give you the complete list. If somebody with a calculator wants to add it up and figure out how many kilometres that is, then we can do that.

[1520]

The areas, generally, are Crystal Mountain ski resort, 2,884 hectares; Kicking Horse, 1,697 hectares; Whitewater Resort, 1,314 hectares; Big White, 3,525 hectares; Silver Star, 3,264 hectares; Apex Mountain, 732 hectares; Fernie Alpine Resort, 1,103 hectares; Panorama Mountain Village, 3,438 hectares; Powder King Mountain Resort, 2,027 hectares; Sun Peaks Mountain Resort, 4,108 hectares; Whistler Resort, 3,700 hectares; Blackcomb, 2,076; Mount Mackenzie, 5,160 hectares; and Canoe Mountain Resort, 2,196.

Those are the resorts currently operating with master development agreements. There are 14 of them. In addition to that, there are some that are working under resort operating agreements, which are a little bit different but also have controlled recreation areas. Would you like me to list those as well? They're a bit smaller — some of them.

**N. Simons:** Perhaps I'll get a list of those later, when I can use my BlackBerry and do the calculations.

That is a significant amount of land, I understand, and I just want to make sure.... The purpose of this process and the reason I'm asking these questions should be taken with the understanding that it's important to vet these issues, as this is part of the process of establishing legislation. In no way am I attempting to criticize or to otherwise denigrate the plan, but I do want to make sure that the policy and the legislation are good policy and good legislation. In particular, there are always areas seen from other sets of eyes that could use some help.

My question is: could there be controlled recreation areas designated for lands that have been included in the new conservancy areas that we've just heard about earlier today and proposed by the Minister of Environment?

**Hon. O. Ilich:** The answer is no.

**N. Simons:** Does the legislation allow for, or does it specifically exclude the authority of the Ministry of

Tourism, Sport and the Arts to make decisions about harvesting of timber around resorts in parks?

**Hon. O. Ilich:** The answer is no.

**N. Simons:** One concern that's been raised about the establishment of commercial recreation areas is that it could reduce the amount of the province's annual allowable cut, which could, of course, have an impact on harvesting on tenure holders. What assurances can the minister give to stakeholders concerned with this possibility?

**Hon. O. Ilich:** The Resort Timber Administration Act does not in itself reduce existing timber harvesting rights or allowable annual cuts. The province's chief forester will continue to make decisions regarding allowable annual cuts based on a range of factors, including land use allocation decisions. Existing timber harvesting rights will continue to be administered under their respective terms and conditions and in accordance with current legislation.

**A. Dix:** I ask leave to make an introduction.

Leave granted.

#### Introductions by Members

**A. Dix:** I wanted to welcome and introduce students, parents and teachers from Norquay Elementary School in my constituency, who are visiting us here in the precincts today. They're going to have the opportunity to listen to a very important debate involving the Ministry of Tourism, and I want to wish them welcome on behalf of all members of the House.

[1525]

#### Debate Continued

**M. Sather:** I wanted to ask the minister a further question, just to clarify on the issue of parks. My understanding is — and if I'm incorrect about this, I'm sure the minister will correct me — that the minister has said unequivocally that this legislation will not be used in any way to facilitate the development of resorts in parks.

That is not the perception that the public has at this point, and that needs to be clarified. For example, a recent headline in one of my local papers said, with respect to this legislation: "Province simplifies resort development in parks." The first line says: "By May it could be much easier for alpine resort developers to begin building in provincial parks like Golden Ears."

If I am correct in understanding that that is unequivocally incorrect and that this legislation in no way will be used to facilitate development in parks, could the minister commit to getting that word out to the public so that is clearly understood?

**Hon. O. Ilich:** This legislation is only to transfer the rights that the Forests Ministry has at the moment to

cut down trees in controlled recreation areas, which is Crown land administered currently by the Ministry of Tourism, Sport and the Arts. Parks are outside our jurisdiction, and we will not be using this legislation in any way to deal with any trees in parks.

**N. Simons:** One question that might actually alleviate some concerns is whether or not this legislation really simply applies to alpine and downhill skiing — alpine resorts — or if it applies to all forms of wilderness recreation or back-country recreation.

**Hon. O. Ilich:** This legislation applies only to controlled recreation areas that are currently operating under master development agreements with the ministry, and that is all. It specifically says that in one of the sections, which I think we're going to look at in a few minutes.

**N. Simons:** When we get there, I'm sure all our minds will be put at ease. Some stakeholders have asked if the lands covered by the legislation have to be associated with a specific facility or a facility for accommodation. In other words, could a recreation area like the one we've just talked about a lot refer, for example, to a river landing for rafters or a helicopter landing pad, fuel storage sites, wilderness access roads or wilderness campgrounds? The list goes on. I'm just curious about how this legislation may or may not impact on those.

**Hon. O. Ilich:** The answer is no. The intent of this legislation is to transfer and streamline what we currently do when we have trees that are in a development area, in the controlled recreation area and the controlled recreation area only. The current process is that we have to send people to the Forests and Range Ministry to ask them to cut down a tree that is on a ski hill.

What the resort task force has asked for is that we streamline it so that they have one-stop shopping, one-window shopping, for their approvals. That is the intent of this. This legislation restricts itself to controlled recreation areas within approved master development areas that are operating with an approved master development agreement and have a plan attached to it.

**N. Simons:** I guess that doesn't seem to be clear to the stakeholders who have expressed their concerns to us that it has perhaps been described as a couple of trees on the ski hill. Many resorts, and many situated within a controlled recreation area, may consider expansion and various numbers of things that may or may not be covered under the master agreement, which is regulated by regulation as opposed to legislation.

[1530]

The possibility always exists that changes in regulation will open the door wide. So the question that I'm trying to have answered — and through this process, perhaps it will be — is: are those fears unwarranted?

**Hon. O. Ilich:** Yes, those fears would be unfounded. The intent of this legislation is to deal only

with ski hills that are intensively used at the moment. I think the only exception to that would be Valemount, which is Canoe Mountain.

**N. Simons:** I'm just wondering why that wouldn't be included in the legislation if that's in fact the intent, because wilderness and back country and all sorts of recreation is such an important part of our provincial economy and one that we want to encourage. I know the laudable goal of doubling tourism by 2015 is one that we agree with. I just think that it's important to do it with careful and due consideration.

Is there a particular reason...? For example, all-seasons resort. Could the minister elaborate on this definition? Could it possibly include in the future — whether it does now or not — such resorts that cater to back-country skiing or fishing or hiking or snowmobiling or ATViing or campgrounds or horseback riding or wilderness lodges, which could potentially be part of a controlled recreation area?

**Hon. O. Ilich:** As I have stated before, the intent is to deal with controlled recreation areas. The controlled recreation areas — and we've defined that in the legislation — are the subject of those many, many steps that I talked about earlier. I can tell you that it's not something that's going to be used for very small enterprises. These are major resort developments.

As I said earlier, we've only got 25 of them in the province right now. We are looking to help them with the administration of the trees within their recreation areas right now. But we will not be using such a lengthy process to approve small campsites or trails and such smaller ventures.

**N. Simons:** My concern is that the intent of the legislation is one thing, but what it could lead to under a less benevolent regime in the future is abuses of legislation. I'm not suggesting that will ever happen, of course, as my hon. friends across....

Interjection.

**N. Simons:** No.

Ultimately, the concern that we have is that if... I should correct the minister, if I'm not incorrect myself, that what a controlled recreation area is, in fact, is not defined under legislation. It's defined under regulation. Regulation does not require the scrutiny of legislators in order to make changes.

[1535]

So in the future, should the purpose of controlled recreation areas be expanded to include such things as river rafting or back-country snowmobiling — which I might enjoy quite a bit myself, I might add — or any other activity that takes up large areas and tenures that include many hectares, this is what we're anticipating to be a potential problem. We're talking about controlled recreation areas in the back country, large possibilities for forestry to take place, and the conflicts that exist in that area.

To repeat, I'm not specifically referring to little campgrounds or tenting sites or what have you, but the land included in the recreation areas in the future could in fact be thousands of hectares. Consequently, the timber harvesting that occurs in those areas could possibly be large-scale projects.

**Hon. O. Ilich:** The controlled recreation area is legally defined in a resort master agreement, which has a plan attached to it. That is what we have the long process to get to. It is designated by regulation, but at this moment I can't see changing regulations that we have under the Land Act. There is enabling legislation which allows us to create controlled recreation areas. I can't imagine us going through this long process for other types of recreational pursuits on Crown land.

**N. Simons:** Just a little clarification for me. Do all the existing facilities captured in the definitions of "resort" have controlled recreation areas around them — the 25 that were mentioned by the minister earlier?

**Hon. O. Ilich:** Yes, they do.

**M. Sather:** A question for the minister on the specified enactment. It says that the designation of such a provision as a specified enactment transfers duties under the provision from the relevant officials of the Ministry of Forests and Range to the Minister of Tourism, Sport and the Arts.

I know the minister explained earlier, in some respect, that there's a multifaceted process that it has to go through here with regard to the duties that would be carried out. But could you explain to me: if the minister is now responsible for the actual duties of the forestry officials, how is that different than it would have been before? What authority does the minister have, in fact? Or are the Ministry of Forests people still coming in and doing work as they would before? How does that work on the ground?

[1540]

**Hon. O. Ilich:** In answer to your question, the Ministry of Tourism, Sport and the Arts will be issuing the licence to cut. However, we will be doing so pursuant to a memorandum of understanding that we have with the Ministry of Forests and Range. They will still be responsible for the collection of stumpage and for enforcement and compliance and for managing forest health within their forestry area.

**N. Simons:** To the minister: you mentioned yesterday that numerous stakeholders have expressed concern about what appears to be a large amount of discretion left to the Ministry of Tourism, Sport and the Arts over decisions that were previously, as the minister mentioned, under the jurisdiction of the Ministry of Forests and Range.

Decisions around issues such as roadbuilding, wildlife habitat, water diversion and culverts, not to mention reforestation, waste disposal, etc., will be left

to employees of the Tourism Ministry, whose mandate it is to assist government in achieving its goal of doubling tourism by 2015 — which the tourism industry knows that I support. Can the minister outline what safeguards around these important issues will remain in place?

**Hon. O. Ilich:** As I outlined earlier, the proposal process for commercial alpine ski areas is a lengthy one. All of the things that you were just asking about are dealt with during that lengthy process.

The controlled recreation area is defined, as I said a minute ago, in the resort master plan, which has already dealt with all of those issues usually under an Environmental Assessment Act review. As I said earlier, it does take, on average, 96 months to get through that process, which is a very lengthy time period during which all of those issues can be fully investigated and we can make sure that we're not doing anything we wouldn't want to do environmentally for any of our Crown land.

**N. Simons:** I just wanted to make sure that when we're talking about the master plans which are established before the establishment of the resort.... But this legislation could impact after the establishment of the resort while, as the minister might have mentioned, cutting down some trees in order to rehabilitate the particular alpine ski hill. That would presumably not require another 96-month process in order to change the master plan in order to allow timber harvesting.

There's the process that takes place before the master agreement has been signed and then the process once the controlled recreation area has already been established and may be in existence for ten, 15 or 20 years. That's, I think, where some concern might remain.

[1545]

**Hon. O. Ilich:** I should make the members opposite aware that the master development agreement itself contains all sorts of conditions to regulate what goes on in the controlled recreation areas, including all things that would concern themselves with the environment, health, the operation of the agreement, safety. All of the local land use and governmental regulations apply, and the Forest Act still would apply, so it does not circumvent in any way all of the laws of the land that would normally apply.

Section 1 approved.

On section 2.

**N. Simons:** Under this section the minister can delegate powers and duties under this act to an employee of the Ministry of Tourism, Sport and the Arts. Can the minister name two or three of the job classifications or titles of ministry employees to whom this authority may be delegated?

**Hon. O. Ilich:** The answer to the question would be that the powers could be delegated to the director of resort development for that area or to the major project manager.

**N. Simons:** Is there any requirement, notwithstanding the MOU, which we haven't seen, that these individuals have any knowledge or experience working in their areas of wildlife management or hydrology or forestry?

**Hon. O. Ilich:** Some of the staff that we currently have in the ministry are professional agrologists and professional foresters, and they have that professional designation. We are going to be hiring a timber technician. In addition, all of the rules and regulations of the Forest and Range Practices Act still apply, and under the memorandum of understanding, we will still be dealing with the staff there.

The intent of this legislation is that we will be doing this a little bit more quickly. We will be focusing on the trees in the controlled recreation area, because it is a priority for us, and it's not as much of a priority for the people that work for the Ministry of Forests.

**N. Simons:** Can the minister let the House know what role the forestry technician will play in relation to that MOU and whether that is an advisory role, a decision-making role or what.

[1550]

**Hon. O. Ilich:** They will be in an advisory capacity. They're going to be doing field inspections. The resort developer would normally do things like timber cruises. They will inspect the timber cruises and help arrange for timber cruises. They're going to look for and protect any special values, and they're going to continue to liaise with the forestry officers that will continue to operate under the Forest and Range Practices Act.

**B. Simpson:** I want to be clear on a couple of points here. First off, the basic intent of this act is to expedite the process for removal of timber and so on in a defined recreation area and to give those who have a defined recreation area and a resort one window to come to, so they don't have to go to the Ministry of Forests and Range? Is that correct? It expedites the process and allows them to come to the ministry as opposed to going to the Ministry of Forests and Range?

**Hon. O. Ilich:** Yes. Exactly. That's exactly what we're trying to do — and just to expedite the process.

**B. Simpson:** If I understood the answers to the last questions correctly, the work is still going to be done under the Forest Act by Ministry of Forests and Range staff. They're still going to do the approval process. They're still going to go through all of the activities they would normally carry on if this was going through their offices. Is that correct?

**Hon. O. Ilich:** It is the intent that our staff will be performing those functions, but they will be continuing to liaise with the Ministry of Forests and Range staff, and the Ministry of Forests and Range staff will be doing the enforcement and compliance until we get up to speed on that.

**B. Simpson:** What's the nature of the MOU with MOFR for the functions that they're going to conduct? I'm confused now, because before, the minister indicated that the normal functional responsibilities were going to be conducted by MOFR staff under an MOU with the Ministry of Tourism. Now the minister is saying that her staff is going to conduct the normal MOFR functions. Therefore, what is the nature of the MOU?

[1555]

**Hon. O. Ilich:** The memorandum of understanding between our ministry and the Ministry of Forests and Range does set out who is responsible for what within the controlled recreation area. The Forests Ministry continues to be responsible for forest health, forest protection and forestry tenures that might be within a controlled recreation area. We would be happy to provide the members opposite with a full copy of the memorandum of understanding once it's signed off.

**B. Simpson:** Again, one of the points that the minister made was that the Ministry of Forests and Range doesn't have, as a priority for them, the kind of activities that need to be conducted on a defined recreation area. It's slow in the queue. They've got a whole bunch of other things on the go, but if they're going to continue to have residual responsibilities — particularly if it's in somebody's TFL, if there's an FSP over the area or if there are fire or health requirements, whatever the case may be — then MOFR must still be in the process. I'll stop there and make sure that this is correct before I proceed.

**Hon. O. Ilich:** Yes. That would be correct.

**B. Simpson:** If I understand it correctly, then, the process would be: I come to the Ministry of Tourism, and I have to deal with new people — who are going to be assigned to do the stuff that the Ministry of Tourism wants to do in a defined recreation area. They're now going to have to turn around and go to MOFR on my behalf to deal with them, then maybe come back to me to get further clarification.

[1600]

Haven't we just, then, created a situation where, instead of one window, all we've done is put another layer in the approval process? We have two agencies, then, that would potentially have competing interests on the land base and that would have to reconcile their interests on the land base in order to serve the client.

If that's the case, why not leave it with the Ministry of Forests and Range, as it is, and find a mechanism to expedite the MOFR process? To the minister: as I understand it, she hasn't finalized negotiations of the

MOU, but it seems to me that this is passing the delegated authority to the minister without the functional capabilities on the ground to actually expedite the process. How will that be reconciled?

**The Chair:** Member, I must ask if you could explain to the House how your question relates, if it's relevant, to section 2 that's being questioned.

**B. Simpson:** Madam Chair, section 2 delegates the powers and responsibilities from the minister to an employee. The employee will then have to act on that. If the employee is constrained by activities that are still done by the Ministry of Forests and Range, we need to understand what the nature of that employee's work is.

**The Chair:** Member, could you explain to the House how your question is relevant to this section on "minister may delegate powers and duties" — in section 2 — to an employee in her ministry?

**B. Simpson:** I tried to explain, and I'll explain again. This is a delegation of the Tourism Minister's powers to an explicit employee in the ministry. We're trying to understand the nature of that employee's functionality. If that employee is going to be responsible for expediting permitting and approval processes, we need to know what remains with the Ministry of Forests and Range and what comes over to the Ministry of Tourism, so that we understand what the nature of this employee's responsibilities are.

**Hon. O. Ilich:** What will come to the Ministry of Tourism is a request for an occupant licence to cut, and that is what we will be approving.

**B. Simpson:** To the minister: is it an occupant licence to cut or a master licence to cut?

**Hon. O. Ilich:** It's an occupant licence to cut.

**N. Simons:** I'm just curious about this delegation. Will it be an ongoing delegation? In other words, will the authority be given to an employee for one-time approvals? Will this be a permanent position or a new role for that employee?

**Hon. O. Ilich:** It will be a delegated authority to whoever holds that position, until he does not hold that position any longer.

Section 2 approved.

On section 3.

**N. Simons:** Section 3(1) reads: "In relation to a controlled recreation area or an all seasons resort in a controlled recreation area, the tourism minister, instead of any official referred to in a specified enactment," has the power, etc. I'm wondering what is meant by "any official referred to in a specified enactment."

[1605]

[J. Yap in the chair.]

**Hon. O. Ilich:** The Forest Act currently has in it that the regional manager or district manager may enter into a forestry licence to cut. That will be transferred.... This section says that whatever they are now authorized to issue, we will be allowed to issue in the Ministry of Tourism.

**B. Simpson:** Again, the delegation and transfer of powers over to the Tourism Minister is an area that — I know the minister is well aware — has raised concerns even within the forest sector. We need to be very clear on what is transferred and, also, clear with respect to the desire to expedite the approval process. We need to get a little bit of clarity on this.

With respect to normal functions under the Ministry of Forests and Range that would occur within this specified recreation area — some of the work that's being done on allowable cut determinations under DFAM, for example.... If a licensee has a TFL within the area and there is some DFAM activity underway, will that still continue within the Ministry of Forests and Range?

**Hon. O. Ilich:** The answer is yes.

**B. Simpson:** If, then, the Ministry of Forests and Range has some explicit activities ongoing in that area with respect to forest health, salvage activities or silvicultural prescriptions — things like that — will that remain within the domain of the Ministry of Forests and Range?

**Hon. O. Ilich:** Yes, it will. It will stay with Forests and Range.

**B. Simpson:** What exactly, then, are the powers that are being conferred on the Tourism Minister that will expedite the activities that the ministry wishes to expedite? If I understand it correctly, the person gets an occupant licence to cut. Is that actually transferred to the Ministry of Tourism to issue that occupant licence to cut? Is that the only thing that's being conferred here on the minister's watch?

[1610]

**Hon. O. Ilich:** The act will be used to grant the Minister of Tourism, Sport and the Arts the power to issue an occupant licence to cut to a resort developer or an operator under section 47.4 of the Forest Act or a forestry licence to cut to authorize timber harvesting by persons other than the resort operator under section 47.6 of the Forest Act. The other forestry licence to cut will be when there has been an existing forest licence to cut where we would perhaps be negotiating a transfer or making some sort of compensation, but it's all within a controlled recreation area.

**B. Simpson:** Again, my struggle is with where the efficiencies come from in this. In order to issue those licences, all of the other work has to be done around

impacts — for example, the impacts on allowable cut, forest health, fire and silviculture — on existing licensees. In order to issue an occupant licence to cut, the Ministry of Tourism staff, if I understand it correctly, will then have to do all that due diligence with the Ministry of Forests and Range staff, whereas before the person used to be able to go to the Ministry of Forests and Range directly and have the work done and engage them directly in that conversation.

Once again to the minister: how is this not simply putting another party in between the proponent and the Ministry of Forests and Range? How is this going to get us efficiencies or expedite the process?

**Hon. O. Ilich:** I think the answer to the question is that most of the timber values would have already been dealt with and all of the issues related to the forests on the land would have been dealt with under the long process that we have to get to the controlled recreation area under the master development agreement, which sets out what's going to happen on the plan. At the moment we would be dealing with two separate applications. We're going to be dealing with an application to the Ministry of Tourism, Sport and the Arts and also a separate application to the Ministry of Forests and Range.

[1615]

What we're looking at, for the most part, are areas where there has already been a determination. It's already been looked at, and we would be allowed to issue that licence to cut.

**B. Simpson:** If that's the case, if it's only that explicit one issuance of the occupant licence to cut, why isn't it just made explicit here that that's what's being transferred, as opposed to what in both this section and the section to come are the full responsibilities under the Ministry of Forests and Range being transferred over to the minister?

Again, what we have, as the member before me spoke to, is that there is some intention here, and then there is what the legislation allows. Conceivably, as we go into the future and as we've already seen, there is some question around what constitutes this defined recreation area, and there is a looseness there. The minister is talking about a long process now, but conceivably, that process could be shortened, in which case a lot of this work hasn't been done.

What this legislation allows, then, is a full transfer of responsibilities for a lot of that other work to the Ministry of Tourism. For a licensee, is it not possible then...? If I'm a licensee not doing the application, now I've got two ministries that I have to deal with.

**Hon. O. Ilich:** I would just like to say one more time that this is not a loose process. To get to a controlled recreation area, again, is a long, long process — something where, by the time we get to it, a lot of the values have been determined. What we are looking at here is enabling legislation, which will allow us by regulation to take a look at those sections of the Forest

Act that need to be transferred in order to expedite the process to allow a developer to cut down trees on a ski hill or within an area that they believe they can develop for condos.

It is part of their master plan, subject to the agreement. All of the normal rules, regulations and laws will continue to apply.

[1620]

**B. Simpson:** I take the minister's point. It's a long process to get there, but this will also be giving the minister powers over a defined area of the land base, and the land base doesn't stay static. The land base changes. The land base is subjected to pests, climate change; it's subjected to all kinds of things that will impact the master plan post its approval. This has implications for other users, who then have to be engaged in processes and decision-making with respect to timber.

What this does is pass all of the responsibilities of the Ministry of Forests and Range, not just the issuance of the occupant licence to cut but all of the responsibilities under the enactment, to the minister. So the question is: if I'm a licensee who has done a negotiation in the early process and now we've got a change and something has to change, who am I negotiating with? Do I do it with the Ministry of Forests and Range now? Do I do it with the Ministry of Tourism? Or am I stuck doing it with both of them?

It's not the one with the resort but the other people who will be impacted. Just so the minister has a frame of reference for this, because it is in the next section, the next section does allow the minister authority to change the boundaries post that long process. My question to the minister is... Within the delegation of powers in this section, all of the powers and responsibilities have come over. Can the minister guarantee to me that other users and people with legal rights within the defined recreation area don't end up going to two ministries now, so you've served one interest and then burdened the rest of the interests with more bureaucracy?

**Hon. O. Ilich:** Anybody else who is wanting to do anything within a controlled recreation area is going to continue to have to deal with the Ministry of Forests and Range. We will only be issuing a forest licence to cut to the occupant.

**B. Simpson:** Again, I understand the point. The intent is for the issuance of the occupant licence to cut. But the transfer of responsibilities here is more of an omnibus transfer of responsibilities to the ministry. The concerns expressed around that are, therefore, from the other users.

[1625]

I understand the intent. What we're talking about is what the legislation allows, and it's different from the intent.

Let's do an explicit example that had been given to me. If, as we'll see shortly, the Ministry of Tourism

engages with a resort operator to extend the boundaries of a resort and that impacts a tree farm licence holder or someone with a forestry licence that already exists — and may, then, impact their allowable cut — what agency will negotiate that process with the other licence holders? Right now it looks as if the Ministry of Tourism has the authority delegated to them to do what would normally be done by the Ministry of Forests and Range.

**Hon. O. Ilich:** I think the member opposite is asking what happens if there's a boundary change. If there is a boundary change, that's a new land use designation for that area, and that will go through that whole, entire, extensive process that I outlined earlier.

**B. Simpson:** Thank you to the minister. I guess we can explore that a little bit in the next section.

Let me ask as simple a question as I can. Rather than all powers — because it says, "all powers...." It may just be me not understanding it: "(a) has all the powers pertaining to a discretion, function or duty referred to in the specified enactment, and (b) is charged with all the responsibilities pertaining to that discretion, function or duty." If I understand, "the specified enactment" means a provision of the Forests and Range Ministry statutes. If that specified enactment is only the occupancy licence to cut, why isn't that enactment named in here so that everybody understands that all the ministry is doing is issuing the occupancy licence to cut to the resort holder?

[1630]

**Hon. O. Ilich:** It is the intention at the moment to grant to the Minister of Tourism, Sport and the Arts the power to issue an occupant licence to cut to a resort developer under section 47.4 of the Forest Act — or the forestry licence to cut — and there is the provision that perhaps there may be other powers added later — all to do with the administration of the resort under a master agreement in a controlled recreation area.

I would like to add that it is obviously not in the best interests of a resort developer to cut down all the trees and not pay attention to the aesthetics of a development. Resort developers need to cut down trees that are on ski hills and trees around areas that they want to develop, but all of this is subject to the development agreement that they're working under. Obviously, it is not in their interest to clearcut the area of a controlled recreation area and thereby deny people the enjoyment that they've come to the resort for.

I'd like to also add that we have had significant and lengthy consultation with the resort development task group, which is the resort development constituency in the province, and they are all in favour of this. It's had extensive consultation with them, and they continue to be in favour of this.

While you were talking about some of the stakeholders — that you're interested in — as being concerned, I think that the stakeholders we've been talking

to, who have been resort developers, are very much in favour of this. They have very much been asking for this, because it comes at the end of a very lengthy process where they have to go and ask for a licence to cut down trees that are in the way of their resort development. That's the intent. I don't think it's the intent to be clear-cutting controlled recreation areas.

**B. Simpson:** My apologies if I ever gave the sense that what I believed was going to happen here was rampant clearcutting. I understand the nature of that. The minister talked about who was consulted on this. Was the Council of Forest Industries or were any of the forest agencies consulted on this? Were ENGOs consulted? Were communities in resort areas consulted? How far did the consultation process go beyond the resort holders who want this passed?

**Hon. O. Ilich:** The Coast Forest Products Association was consulted, and the Council of Forest Industries was also consulted.

**B. Simpson:** What was the nature of their concerns?

**Hon. O. Ilich:** The nature of their concern was very similar. They asked very similar questions to what the member opposite has been asking. We were able to assure them of the intent of the legislation, and I think they were completely satisfied with the answers that they got.

**B. Simpson:** I'm not sure "complete" would be a word that I would use with respect to their satisfaction. Were ENGOs or communities consulted?

[1635]

**Hon. O. Ilich:** We did not think that there was a requirement to consult with municipalities and other NGOs as a matter of course. This is simply a transfer, technically, from who issues the licence internally from the Ministry of Tourism, and this is something that the Resort Task Force has been interested in seeing done.

We did consult with COFI and the other group that I mentioned earlier. Those are the only groups that we've talked to. All of the decisions as to what trees are cut, and when and how, are done as part of the resort master planning process, which all affected stakeholders do have a lot of input into.

**B. Simpson:** On that last comment, then, does that mean there will never be a change to the master plan for the resort or that there wasn't an intent to open up a face, an intent to go higher in the reaches of whatever the resort area is? In which case, if I understand the minister correctly, if there's a change to the master resort licence, then all of the other processes all come back into play again? Let me just make sure that I'm clear on that. If a new slope was to be opened that wasn't in the original specifications in the master agreement, would that then go through the whole lands process and the consultation process yet again?



**Hon. O. Ilich:** Yes, that would. It would go through the whole process all over again.

**B. Simpson:** Are the occupants licences to cut only ever going to be derivatives of the master plan?

**Hon. O. Ilich:** Yes.

**B. Simpson:** Then why not do them through Ministry of Forests and Range? It makes no sense that if they're only derivatives of the master agreement.... The master agreement is this long-winded process that's all signed off and everybody's consulted with, and the occupant licence to cut is merely a derivative of that.

Why set up another group of people that have to issue all those permits and so on? Why not find a different way to streamline it through the existing agency of the Ministry of Forests and Range that has all of the expertise, that has an understanding of the new regulations, and just do it that way? Again, I fail to understand how this streamlines the process.

[1640]

**Hon. O. Ilich:** The development of a resort is something that takes a long time, and resort developers are not going to want to cut down trees in an area that they're not going to be using for a while. Once there is a master development agreement in place and they are developing in accordance with that agreement, there will be phases. As they move through those phases, they would prefer to continue to work with the people at the Ministry of Tourism that they have been dealing with all along rather than go back and make new applications to the Ministry of Forests again. We actually have a long project chart which shows what the various steps are. This does cut out a number of the steps that would be required.

I say again that it is something that the Resort Task Force, working people that are developing resorts, has been asking for, for some time. It makes sense to them and continues to make sense to them. They continue to ask for streamlining of resort development. It makes sense to us, too, if you actually see the number of different steps that are required to have a resort approved.

At the end of this long process, we are asking that we be the people.... It is the intent that we be the ones that say: yes, you can now cut down the trees. That is something that will have been determined during that long process, and once they have the agreement, it's still going to take a considerable length of time to fully develop a resort.

**B. Simpson:** Again, I don't dispute that the group that the minister worked with wanted this. I don't dispute that they want some efficiencies in this. However, as I said before, the land base doesn't stay static. First nations are gaining greater capacity to understand what their historical relationships with the land base were. For example, they could find, as a result of some new information, that an area contained within a resort has culturally modified trees or is an area of interest to

them now when it may not have been an area of interest to them during the resort development process.

So the fact that the resort holders want efficiencies to just go cut when they want to go cut doesn't take into consideration that things do change. The group most engaged in watching what happens on the land base and understanding the implications for fire and pests and the first nations negotiations under the New Relationship is the Ministry of Forests and Range, not the Ministry of Tourism and a couple of staff that can write an occupant licence to cut.

By cutting out the Ministry of Forests and Range, you cut out all of that expertise when it comes time to issue the occupant licence to cut, if indeed, that area has been impacted by significant changes. Under the current process, you may not, actually, want to issue that occupant licence to cut, but the Ministry of Tourism, because of a predisposition to wanting to issue it, to streamline it, may very well do that.

Again, from our perspective, it's more than resort people that count here. It's the first nations. It's the ENGOs. It's the other operators on the land base, who still have a right to talk about what's going on, on that land as the lands changes.

I understand the efficiencies from that side. But, as an example, what happens if a first nations community gains some capacity, learns that an area that they gave up in a resort is now an area that may have culturally modified trees or an interest for them? Who are they talking to? Are they talking to the Ministry of Tourism? Or are they talking to the Ministry of Forests and Range, in that case, before a licence to cut is issued?

[1645]

**Hon. O. Ilich:** I guess I'd like to dispute the fact, or the thought, that we're going to be marching Paul Bunyan-like into the controlled recreation areas and cutting down trees without thought to heritage values or first nations concerns. We in the Ministry of Tourism have responsibility for all of those things and take all of those matters very seriously.

I will agree that things on the land change, that situations do change. We will be governed by all of those same considerations that the Ministry of Forests now has.

**B. Simpson:** I'm too short for a Paul Bunyan kind of quip, so I won't rise to that.

Interjection.

**B. Simpson:** Anyway, I'll leave that one alone.

One tree in an ecosystem is important. You don't have to go in and clearcut. You can remove one tree here; you can remove one tree there. How you impact the age classification is important. What you do on the ground is important. The removal of one tree could have significant — either ecosystem or wildlife management — impacts. So, again, I'm not talking about clearcutting. I'm talking about the removal of even one tree.

Let's go back to what the minister just said with respect to her staff being apprised of all of the Forests and Range requirements. The Ministry of Forests and Range staff are having difficulty keeping abreast of the changes to FRPA and the continuous amendments and what the implications of FRPA are on the ground. The Ministry of Forests and Range staff are struggling with passing FSPs, for example.

If the Ministry of Forests and Range staff, who do this on a daily basis, are struggling to stay on top of what's happening under forest regulation, then passing the occupant licence to cut, again, to Ministry of Tourism staff who are not living that on a day-to-day basis, seems to me to be an inefficiency, not an efficiency.

Through to the minister: how many staff, total, does she see having to ramp up in order to carry out these functions? How will those staff be trained on forestry legislation and regulation?

[1650]

**Hon. O. Ilich:** In answer to the question from the member opposite, we will be hiring more professional staff, professionally accredited and highly trained, to carry out this work. That is in addition to the staff that we already have who are also professionally accredited and trained to deal with these kinds of issues.

**N. Simons:** Thank you to the minister for her patience in answering these questions. I think it's important to vet these questions. It's important for the confidence of the public that their interests are being protected, and I appreciate that this process is sometimes a little bit draining.

However, with that in mind, I think it's important just to continue. Just a few more questions on this section. Will the bill result in the Tourism Minister being responsible for reviewing the forest stewardship plans and, specifically, for administering the resort's tenure and compliance with the act that governs that? I'm not sure if that was completely vetted already, but I'll ask it again, just in case.

**Hon. O. Ilich:** The forest stewardship plans will continue to be administered by the Minister of Forests and Range.

**N. Simons:** I kind of figured that part. I'm just wondering what the relationship will be and whether the Ministry of Tourism will have any involvement in how that responsibility is shared.

**Hon. O. Ilich:** Under the memorandum of understanding that's going to be negotiated and will be signed shortly, the officials of both ministries will continue to work closely together to make sure that proper stewardship of the forest will continue.

**N. Simons:** Thank you very much for that answer. When is the MOU slated to be completed, and will anything take place before the MOU is actually signed off?

**Hon. O. Ilich:** The MOU is slated to be complete in about two weeks. Nothing is going to happen until then.

[1655]

**N. Simons:** My question on the MOU will be: can this side of the House be provided with a copy? I think we've already asked that.

Can the minister outline who was consulted in the development of the MOU and who was consulted in development of the legislation? At what point did that consultation take place?

**Hon. O. Ilich:** The MOU was actually asked for by the Resort Task Force, and consultation was carried out with the Canada West Ski Areas Association, the Coast Forest Products Association and the Council of Forest Industries.

**N. Simons:** Were there any resort owners on the list you just mentioned?

**Hon. O. Ilich:** I just want to say that this is something that was asked for by the Resort Task Force, so they are well aware that we are doing this. I also want to add that we just had some communication from the president and CEO of the Canada West Ski Areas Association, and this is what he is saying to us.

He's congratulating us on introducing Bill 24, and he's stating once again: "To have a streamlined system of dealing with timber licences to cut will be of the greatest assistance to the ski resort industry. The present system is extremely laborious and time-wasting and is an added barrier to an operator working within a very short building time scale, which in the mountains averages only four months between seasons."

This is something that they have been consulted on, and it is something that goes on right now as far as cutting of trees. What we're trying to do is streamline the process with this and not change the process in any other way.

**N. Simons:** Really, the question is much more than just cutting a few trees on a ski hill, and I think it doesn't do this process any good by trying to minimize. Essentially, what is happening is that there's a pseudo-streamlining of the process. Unless there is regulatory change, unless there is a change in the process that people have to go through in order to get the licences to cut, what is the point of this legislation if, in fact, it's all the same and it's just with a new ministry?

[1700]

Unless there are changes to the regulations, unless there is less oversight on the part of professionals or of public input.... So I'm trying to find out.... Yes, I'm glad that there are stakeholders that are pleased with the changes, and of course, there are conflicting views on this as well. If it were so easy, it would have happened a long time ago. The reason it didn't happen a long time ago is because we have concern over the

competing values that exist in these communities, in these resorts and on the land base.

I recognize that there are people who want this to happen and want it to happen quickly, but we're trying to find out what the impact of the legislation is going to be. We need to know. I understand that it's not going to be implemented in a way that's going to be harmful. That doesn't mean it never can be. The legislation should be sound, so it doesn't allow for abuses to take place.

I don't want to be seen as being against streamlining, but I'd like it to be real.... If it's streamlining, make sure that we still account for the competing values. In this particular case, it's difficult to see, after the answers we've heard provided to the member for Cariboo North, where the streamlining takes place, if it's not in the simple reduction of environmental or of first nations community oversight.

What can this side of the House be told that will show that the process is, in fact, streamlining but not sacrificing the important regulatory framework that protects the other values?

**Hon. O. Ilich:** I understand the frustration of the member opposite, because it is confusing. What I can tell him is that there is going to be no impact as to the regulations. The same regulations will apply. There is one application, and there is one person or one group that will be dealing with these applications, and there's one authorization.

The Ministry of Tourism is the group that actively manages the resort. By the time we get to a licence to cut, we have been through the lengthy process that I outlined earlier — all with the Ministry of Tourism but with extensive consultation from all of those groups that I outlined earlier.

I don't know if it is possible to enter into the record a visual, but I have a visual here of what we currently go through. There are nine steps for our process, under the Ministry of Tourism process, to get to the stage after we've already talked about getting to a controlled recreation area. After that, there are a further nine processes that are required under the Ministry of Forests. What we're going to talk about is streamlining that down from something that takes about four months now to something that will take about four weeks.

Most, if not all, of the determinations of values will have been done in the earlier stages in that lengthy process we talked about to get to the controlled recreation area. That's what's going to create the streamlining — that you are dealing with one person who will be allowed to issue the licence — but all of the rules and regulations that previously applied will still apply.

**N. Simons:** Thank you for noticing my frustration.

My question has to do with.... I wonder now whether there is any government program that rewards employees for saving money. I would suggest that this could have been accomplished by designating

somebody in the Ministry of Forests with the sole responsibility of expediting the applications from the resort industry. Why wouldn't that be considered?

[1705]

**Hon. O. Ilich:** Part of the lengthy process that I went through right at the beginning with the Ministry of Tourism is a land tenure agreement, which we still have to do. That's something that the Ministry of Forests would not have been able to do, and we can do both of those at the same time.

Section 3 approved.

On section 4.

**N. Simons:** Section 4 raises a few concerns that I hope to just vet. Cabinet can decide, without legislation to guide them, not only what land but how much land can be included in a controlled recreation area. It is clearly outlined in section 4. Can the minister describe what safeguards exist in those situations to protect the public interest?

**Hon. O. Ilich:** If the land area of the controlled recreation area or the boundary changes, we're going to go through that same lengthy process for any extension or change in that boundary that we talked about earlier, which I don't think you want me to read out again.

**N. Simons:** Thanks to the minister for giving me the option. I appreciate that. It's on record.

Maybe disabuse me of the fear that it doesn't really give us the same kind of regulatory oversight. Subsection (2) of section 4 reads: "Without limiting...." Sub-subsection (2)(a), the cabinet can designate "Crown land as a controlled recreation area, cancelling such a designation or amending the boundaries of a controlled recreation area...."

It doesn't say anything about adhering to regulation in that particular section, subject to this or subject to that. It says simply that, essentially, controlled recreation areas can be decreed, almost. That doesn't seem like the regulatory framework to protect the public interest.

**The Chair:** Member, was there a question?

Interjection.

**Hon. O. Ilich:** Right now, the cabinet has the authority to create controlled recreational areas under the alpine ski policy. That is what I outlined earlier, and those are the powers that we currently have listed with or allowed by cabinet — so no change without going through all of that lengthy process.

[S. Hawkins in the chair.]

**N. Simons:** The commercial alpine ski policy is apparently going to be the basis for the all-season re-

sort policy, which was supposed to be released before the end of 2005 but at this point I don't believe has been made public. The government does have an all-season resort strategy, and I'm just wondering if that will become the basis of their policy.

[1710]

**Hon. O. Ilich:** In answer to the question, the commercial alpine ski policy, as I said earlier, has been in effect for 25 years. We are looking at the moment at ways to modernize that and streamline that. What we're trying to do here is part of that, and we will probably have other ways to modernize that in the future.

**N. Simons:** This section, I understand, is intended to facilitate the approval process for resort operators to harvest small amounts of timber. I understand that is the expressed intent of the minister in explaining this legislation. The concerns raised are not about a resort's ability to conduct business and attract tourism to the province.

My concern is really about legislation, the efficiency of legislation and the impact of legislation. I believe this bill has the potential to allow for a lot more to take place than simply the harvesting of small amounts of timber.

I'm just wondering if there is any sort of limit. I know the answer will be that all of this is decided beforehand, but I can see big gaps in oversight. I'm wondering if there will be limits on not only what land but on how much land can be included in a controlled recreation area, for example.

**Hon. O. Ilich:** I think what the member opposite is looking for is in section 4(3). Section 4(3) actually provides the safeguard that the transfer of power to the Minister of Tourism, Sport and the Arts must be necessary or desirable for resort development or operation purposes.

**N. Simons:** Necessary and desirable, I think, is in the eye of the beholder. The bill restricts the minister to considering "the planning, development, construction, operation or maintenance of an all seasons resort in a controlled recreation area" in all decisions related to this proposed law. Does this mean there will be no considering of first nations considerations or public consultation or even environmental values?

**Hon. O. Ilich:** All of those values listed by the member opposite are already dealt with in the master development agreement, and there won't be any impact on those in what we're contemplating here.

**N. Simons:** Can the minister explain how this bill will accommodate higher-level land use values established through land resource management plans? I apologize if the minister has already answered this. It's just that specifically higher-level land use planning

isn't mentioned in the act, so I'm just wondering if we can have some clarification.

[1715]

**Hon. O. Ilich:** Our resort development agreements and the land use plans would be consistent with those higher-level plans in the first place.

**N. Simons:** How might this section apply should the government change the way in which it designates recreation areas, which is potentially what will happen in the foreseeable future?

**Hon. O. Ilich:** I think I'd like to point out to the member opposite that getting a designation of controlled recreation area under the master development agreement with that plan attached is a long and arduous process. Once you are a controlled recreation area, I think that land use designation is made and probably will not change. I don't think smaller recreation areas will want to go through that long process in order to get an approval to enjoy recreational pursuits on Crown land.

**N. Simons:** What restricts cabinet from arbitrarily designating any piece of Crown land as a controlled recreation area?

**Hon. O. Ilich:** The cabinet is guided by the commercial alpine ski policy in designating commercial recreation areas, and we are looking at streamlining that. But we will still be operating under all of the principles that we have been, which would require extensive consultation with all stakeholders.

**N. Simons:** This is just one of the government's planned deregulating of legislation and streamlining and getting rid of what would be considered some burdensome procedural processes?

**Hon. O. Ilich:** Actually, there is no deregulation applied to this. What we're trying to do is gain some efficiencies by combining the tenure agreement with the licence to cut. It's just a transfer of authority for the forest licence to cut, but there's no deregulation in this process. All of the same rules and regulations continue to apply.

**N. Simons:** It is simply a transfer of authority without the transfer of the same number of FTEs from the Ministry of Forests to the Ministry of Tourism, Sport and the Arts. Essentially, there will be fewer people doing the same job in a ministry that doesn't have the capacity to do what the Ministry of Forests did. Am I correct?

[1720]

**Hon. O. Ilich:** We will be using the existing people that we have in the ministry, who administer the tenures. We will be adding some new staff that will be trained and accredited.

One of the reasons for the efficiencies is obviously that they will be focused on this job, the resort administration, as opposed to the Ministry of Forests where they have many, many more things to pay attention to.

**N. Simons:** I remember that being answered before. That's what prompted me to suggest that maybe someone designated in the Ministry of Forests could be specifically assigned to the issuance of permits to resort developers — that way maintaining the integrity of that ministry and not adding yet another somewhat incongruous regulatory jurisdiction to the Ministry of Tourism, Sport and the Arts.

That was my question, so I'll take my seat.

Section 4 approved.

On section 5.

**N. Simons:** This section makes changes in the Forest Act, I suppose. For example section 47.6 gives the regional manager or the district manager authority to enter into a licence to cut. Can the minister explain: what is the effect of removing the word "or" in section 47.6(2)(b)?

**Hon. O. Ilich:** Removing that word allows us to add sub-subsection (d), which says: "to authorize the harvesting of timber for prescribed purposes or in a prescribed circumstance."

**N. Simons:** Can the minister elaborate on what prescribed purposes or prescribed circumstances could mean?

**Hon. O. Ilich:** This could be used for purposes and circumstances related to the Resort Timber Administration Act and essentially allows for the creation of a new type of forestry licence to cut to be used by our officials.

[1725]

The creation of this new category of forestry licence to cut is necessary to provide the means for our officials to authorize the harvesting of timber within the resort administration by persons other than the resort operator — for instance, within the controlled recreation area, if there's a third party that has a licence where, as I previously said, we want to negotiate another area away from where the occupant licence to cut would be.

Section 5 approved.

On section 6.

**N. Simons:** Can the minister explain to the House what the effect of the changes proposed in section 6 is — or are, as the case may be?

**Hon. O. Ilich:** Forestry licences to cut generally have small cuts associated with them, and we just want

to be sure that when we authorize or issue licences to cut, we can specify a maximum.

Section 6 approved.

On section 7.

**N. Simons:** I just want to talk about the concerns. I just want to reiterate that there are solid, definite concerns about this legislation that sort of override the entire purpose behind it. I think what's at question here is not whether or not we're in favour of allowing resorts to streamline the process that they'd like in order to cut down a few trees on the ski hill.

What really is at issue here is whether this legislation (a) is necessary or (b) allows for more than the stated intent. If in fact it is broader in scope than has been determined through this vetting process, it stands to cause damage to the other interests that exist in what is beautiful British Columbia.

I don't have any further questions about the bill, Madam Chair. However, this side of the House, as far as I know, will be voting against the bill. The reason for this is because it hasn't taken into account many factors, many interest groups, many stakeholders, many concerned citizens who see this as far beyond what is necessary to accommodate the interests of the important industry of resort development. If in fact it is truly intended to simply streamline or shorten the term of the amount of time necessary to make small changes to a land base, then it is not necessary to pass legislation like this.

It is also — seems to me — inappropriate to transfer yet more jurisdiction from what is a specialized ministry where they have experts on hydrology, on wildlife management, on land use to a Ministry of Tourism, Sport and the Arts that doesn't have that infrastructure.

[1730]

I'm hoping that it is seen in that light and that we will be able to accomplish the goals set out in order to accommodate the interests of resort owners. This is not the bill to do that.

Section 7 approved.

Title approved.

**Hon. O. Ilich:** I move that the committee rise and report the bill complete without amendment.

[1735]

Interjections.

**The Chair:** Members, could I please have some quiet in the House.

Motion approved unanimously on a division. [See *Votes and Proceedings*.]

The committee rose at 5:40 p.m.

The House resumed; Mr. Speaker in the chair.

**Report and  
Third Reading of Bills**

RESORT TIMBER ADMINISTRATION ACT

**Mr. Speaker:** The time has been waived.

Bill 24, Resort Timber Administration Act, reported complete without amendment, read a third time on the following division and passed:

YEAS — 41

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

NAYS — 23

S. Simpson	Fleming	Kwan
Brar	Cubberley	Hammell
Thorne	Simons	Gentner
Routley	Fraser	Horgan
Lali	Trevena	Bains
Ralston	Krog	Chudnovsky
Chouhan	Wyse	Sather
Macdonald		Conroy

**Hon. M. de Jong:** After the dinner break, for the information of members in this chamber, we'll pick up with Bill 21, the Employment and Income Assistance Statutes Amendment Act, 2006, in committee stage, and continue with Committee of Supply, Community Services, in the little House.

I move the House do recess.

Motion approved.

**Mr. Speaker:** This House stands in recess until 6:45 p.m.

The House recessed from 5:42 p.m. to 6:46 p.m.

[S. Hawkins in the chair.]

**Hon. S. Hagen:** I call Bill 21.

**Committee of the Whole House**

EMPLOYMENT AND INCOME ASSISTANCE  
STATUTES AMENDMENT ACT, 2006

The House in Committee of the Whole (Section B) on Bill 21; S. Hammell in the chair.

The committee met at 6:49 p.m.

On section 1.

**C. Trevena:** I know that this was in the previous bill, but I wanted a bit of clarity on section 1(a)(c) where the bill talks about "parental responsibility for the person's dependent child" — meaning that it's a dependent.

I raise this because, as I mentioned in my opening remarks in second reading, I have come across cases where it's been interpreted to be a dependent if somebody is regularly helping pick up a child from school or regularly helping out with laundry. So I really wanted to get some clarification about how this section is interpreted.

[1850]

**Hon. C. Richmond:** This section has not been changed and is the same language as B.C. Benefits legislation introduced by the previous government.

As the member knows, you cannot legislate to cover every situation. Each case needs to be assessed on a totality of evidence. Picking up a child from school, even if it is every day, is unlikely on its own to indicate parental responsibility, whereas a birth certificate indicating the other adult as the parent is.

Our staff consider all the evidence they have available to them before coming to any conclusions. Any decision that results in a reduction or discontinuance of assistance, of course, is subject to reconsideration and appeal.

**C. Trevena:** I did want clarification on that, so I hope it will be interpreted in the way that you suggest — generously interpreted.

I also have a question on section 1(b)(3): "...spouses do not reside apart by reason only that a spouse is employed or self-employed in a position that requires the spouse to be away from the residence of the family unit for periods longer than a day." I really would like some clarity about what this means.

**Hon. C. Richmond:** First of all, before I go any further, I always like to introduce the staff who are with me. Mariann Burka, to my right, is an ADM in the ministry. Stephen Dunn is the manager of legislation and regulations. Welcome to the House.

Before I go any further, I want to read a statement which really clarifies the purpose of this bill. It really

gets to the crux of the whole matter, so the reasons we're doing this are all contained in what I'm going to read to you now.

It's with regard to financial dependence or interdependence. Section 1(a), which we will start with, removes from the definition of dependent the former condition that a person is a dependent simply because they share with another person income or assets or any necessities of life obtained with shared income or assets.

I guess the main reason we're doing this bill is because a similar provision in Ontario was successfully challenged under the Charter of Rights and Freedoms and was struck down as being overly broad. The Ontario case, known as *Falkiner*, focused on the phrase "a mutual agreement or arrangement regarding their financial affairs."

The Court of Appeal for Ontario found that the definition was overly broad and captured relationships that are not spousal or marriage-like and ruled that there are discriminatory effects from Ontario's definition of a spouse. Since our definitions were almost identical, we decided to be proactive and bring our legislation into line with the ruling and, more importantly, into line with the Canadian Charter of Rights and Freedoms.

In September 2004 the Ontario government ended the spouse-in-the-house rule by introducing amendments which state that residing together is no longer sufficient evidence of a spousal relationship. As I explained, this condition has been removed for precisely these reasons. We do not want to capture adult relationships that are not spouse-like, and we want to be proactive in ensuring compliance with the Charter of Rights and Freedoms.

By virtue of these amendments, unless the two adults are married or acknowledge that they're living together in a marriage-like relationship, people will not be considered as spouses unless they meet the following conditions. First, they must have resided together for at least the previous three consecutive months or nine out of the 12 previous months. Second, they must demonstrate financial dependence or interdependence and social and familial interdependence.

**C. Trevena:** The minister has explained the section and meaning of spouse — section 1.1 — which I am going to come to and have many questions about. I was asking about in section 1(3) where we are talking about people living apart for one day or longer than a day, where they are being still treated as couples or not.

[1855]

I know that this has been an issue — and I wanted to get clarification — particularly for people who are working. One person may be out working in the bush and so on. I want to get clarification about just what this clause means.

**Hon. C. Richmond:** Yes, I understand that. I just thought it would be apropos to start with the first sec-

tion of the bill, because it does eliminate a lot of other questions. The part I just read about definitions of spouse does eliminate a lot of follow-up questions.

To answer your question, it is fair to expect a spouse who temporarily relocates for employment to continue to be responsible for his or her partner. In this case, a marriage-like relationship has already been established, and the level of assistance has been determined by the family unit's combined income and assets.

The fact that one of the partners in the relationship takes a job out of town does not change the nature of the relationship or that person's responsibility to support their spouse. Therefore, it is reasonable and fair to expect that the income earned from the job, even though it is out of town, be included as income for the family and the family's assistance be reassessed by the ministry.

**C. Trevena:** I just wanted to clarify from the minister.... I have a case here where two people who were not spouses were living on the same property. One was in a fifth wheel on a friend's property. One of the people was out at camp a lot. He was home about once a month, and his mail was addressed to the house. The ministry argued that these two people were trying to fool them about their relationship, that they were really spouses, that the fifth wheel was just a ruse, and that even though he was gone for three weeks out of the month and just back for the one week, they were spouses and would be so defined.

I just want to clarify once more that this rule will prevent that sort of situation happening, where you have two people living independently on the same property, and one is away from the property — that they will not be treated as spouses from now on.

**Hon. C. Richmond:** They would not necessarily be treated as spouses, but they may be, depending on their lifestyle and whether they demonstrate that they are a couple. There are a lot of ways that they can demonstrate that — how they act in public. Do they have joint bank accounts and credit cards? Are they interdependent on each other?

This is where the ministry staff have the prerogative to determine whether they actually are a couple or not — by demonstrating these various things that I have just described. This legislation allows them to prove to the ministry that they are not a couple, whereas before it was too broad — as the Ontario Court of Appeal said — and we had to narrow down the definition.

There are instances — and we have them in the ministry — where people even share the same domicile. There is no fifth wheel. They both live in the same house, but they are not a couple, and they can demonstrate that. There is no interdependence. They live there as a matter of convenience. In cases like that, no, they would not be assessed as a couple.

**J. Kwan:** On section 1 of the bill, it adds the definition under 1(b), the following subsection: "For the purpose of the definition of 'dependant', spouses do not reside apart by reason only that a spouse is employed or self-employed in a position that requires the spouse to be away from the residence of the family unit for periods longer than a day."

[1900]

That, as I understand it, would deem the spouse who works away from home does not mean that the spouses do not reside together. I just want to clarify this section of the bill with the minister. If the spouses are together as a unit, sort of like us, for example.... Many of us have a spouse at home and because of the nature of our work, we're away from home, for our purpose, about six months of the year — four days a week, at a minimum. But it doesn't mean that we're not living in a spousal relationship.

Interjection.

**J. Kwan:** Okay. I'm just going to leave it at that. I'm just wondering why the minister is seeing the necessity of having to add this subsection in the bill.

**Hon. C. Richmond:** For the ministry, dependency is premised on the economic principle of a social unit where there is support or obligation and, if established, considers the income and assets of all parties as available to all members of a family unit. This again was to bring us in line with the definition as it was rewritten because of the decision of the Ontario Supreme Court.

**J. Kwan:** If it's meant to ensure that families who are a family unit will then be assessed for the purposes of a income assistance application, and if the family is in fact a family unit, I would expect that would not be a problem in that assessment. But what about in a situation where two spouses might have separated and they're no longer living in, I suppose, a marriage-like situation? However, they do share economic responsibilities together relative to the dependent. That's what a lot of those kinds of relationships enter into in terms of that economic sharing of responsibility for the dependent. In that instance, how would the ministry classify those individuals in that relationship?

**Hon. C. Richmond:** The former provision imported the concept of marriage-like relationships from the B.C. Benefits legislation — as I said earlier, introduced by the previous government — without defining what marriage-like meant or providing any guidelines or framework.

This amendment is a very significant improvement by defining marriage-like by reference to two conditions. They must have resided together for at least the three previous consecutive months or nine out of 12 of the previous months, and they must demonstrate fi-

ancial dependence or interdependence and social and familial interdependence.

Determining financial dependence or interdependence and social and familial interdependence is not intended to be an easy formula. You cannot legislate to cover every situation. Each case needs to be assessed on a totality of the evidence. We will be providing guidelines and training to our staff on the kind of evidence that is fair and relevant in making these determinations.

[1905]

The final test of how fair and reasonable our decisions are is that any decision that results in a reduction or discontinuance of assistance is subject to reconsideration and appeal. Now, I should add: suppose these conditions prevailed at the time of assessment, but then the couple, as the member said, separates. The husband leaves, which is usually the case. He is still responsible for the maintenance of that family unit up until such time as they become divorced. Then there is probably a final settlement, or there is family maintenance involved. If they are living together at the time that the assessment is made, then they are deemed to be a couple.

**J. Kwan:** Let me just get this clear: a family unit where the two adults have separated but not divorced would be deemed to be a family unit for the purposes of an income assistance application. Is that what the minister just said?

**Hon. C. Richmond:** The key here is that if the husband is employed, whether he's living there or he leaves, whether he's in town or out of town, is immaterial. If he is employed, he is still responsible for the financial support of that family unit.

That is the key: if a couple separates and they're not yet divorced, the husband, if he is still employed, is still responsible for the economic well-being of that family. Whether he is in town or has moved out of town — or even out of the province — he is responsible.

**J. Kwan:** You could have a situation where a woman has separated from her spouse because of issues of violence and has not gone through the proceedings around divorce and gone through the paperwork. In that scenario, that woman is still dependent on her abusive spouse and, therefore, would not be eligible for income assistance because of the amendment of this legislation.

**Hon. C. Richmond:** Nothing has really changed in the case you just outlined. If they separate, as you said, because it was an abusive situation, the husband is still responsible for supporting that family. That has always been the case. If he doesn't, then it has nothing to do with her eligibility. If he doesn't support the family, then she is eligible, but then we would go after him through the family maintenance enforcement program.



That has always been the case, and nothing changes under this. If they are still married and reside together, they are, of course, still a family unit.

[1910]

**J. Kwan:** Just so I can get it straight, because I don't want to misunderstand the purpose of this section of the act: in a scenario where you have a family unit and they've separated — it could be for violence issues or for non-violence issues, for whatever reason — if the remaining spouse who has a dependent is unable to get support from her separated spouse, then, for the purposes of an income assistance application, she will be assessed as a single spouse with a dependent. She would not be assessed as though she was in a family unit — am I understanding that correctly? — and this section of the legislation does not change that.

So that I understand fully the intent of this section of the act, all that this section of the legislation is stating is: if you're a family unit — two spouses and a dependent or a few more dependents — who are living together and, because of work circumstances, one spouse is away from home but continues to support the family and they continue to be a family unit in every way.... In that instance, that unit would be considered as a family unit for income assistance purposes. If I'm understanding that correctly, then I'm okay with it.

**Hon. C. Richmond:** Yes, everything you said is exactly the way you said it, and nothing has really changed. If the spouse — let's say it is a male who leaves — separates and does not support the family unit, then she is eligible for income assistance. But then we go after him, under the family maintenance enforcement program, to collect what is owed to support that family.

If there is a family unit, like you say, "us in this house," and one spouse is away, it really makes no difference. They're still a family unit. One person is just working away from home. Nothing is really changed under this.

Section 1 approved.

On section 2.

**C. Trevena:** My first question on section 2 — and this is where I think we do get into quite a lot of questions about what the meaning of a spouse is — is in 1.1(1)(b), where "Two persons, including persons of the same gender, are spouses...for the purposes of this Act if...they acknowledge to the minister that they are residing together in a marriage-like relationship." How does the ministry define "a marriage-like relationship"?

**Hon. C. Richmond:** I go back, in section 2, to 1.1(1)(b). It says if "they acknowledge to the minister" — which means the ministry staff — "that they are residing together in a marriage-like relationship" — in other words, they want to be a couple — then they will be assessed as a couple.

If they say, "No, we're not living together in a marriage-like relationship," then some of the conditions that I said earlier would come into play. The staff would have to assess: are they just saying "We're not a couple" so they can collect as two singles? Or are they indeed a couple? Do they share a dependence — interdependence? Do they have joint bank accounts, credit cards? In fact, are they presenting themselves to the world as a couple? In 1.1(1)(b) they come and acknowledge: "We are a couple; we're married; we're living together." Then they are treated as a couple.

**C. Trevena:** That is clear enough. You basically say, "I'm in a couple; we want to be treated as a couple. We don't want to be treated as two singles," and they will be treated as a couple.

However, as we move on in the definition, it is an either-or. Either people admit to being a couple, show their marriage certificate and that they are married, or say, "We are living as a couple and want to be treated as a couple," or the ministry defines that they are a couple with a somewhat arbitrary — as I perceive it, and would like to have the explanation why — three consecutive months or nine out of 12 months. I'd like to know why the ministry or the minister has decided that, after three months of people living in the same premises, they will be deemed to be a couple.

[1915]

**Hon. C. Richmond:** The length of time residing together is only one factor in determining whether two people can be considered to be spouses. They must also demonstrate financial dependence or interdependence and social and familial interdependence. The residence requirement simply ensures that unless two people are married or acknowledge that they are living together in a spousal relationship, no one can even question whether that relationship is spousal until they have lived together for at least the specified time period. Three months of living together in combination with other signs of a marriage-like relationship are sufficient to determine if the relationship is spousal or just a try-on relationship.

**C. Trevena:** May I try this one on? The criteria are three months plus other examples like a joint bank account or this social and familial interdependence. What does social interdependence mean? You could be living in the same house, as many people do when they're on income assistance because, as we've discussed before, the shelter allowance.... This is the only way people can find accommodation.

They are living together in the same accommodation, and therefore, they interact socially. They may sit down and have meals together. They may go off and do their laundry at the same time. They may sit down and watch television together. They may be in the same place together, which in many circumstances could be interpreted as either social or familial interdependence. I'd like to know how the minister is going to distinguish between that being regarded as a spousal relationship and that being regarded as two people who

need to share a place because they can't afford a place on their own?

**Hon. C. Richmond:** I will read this first, and then I'll make some comments:

The extent of social and familial aspects of the relationship between the two persons is consistent with marriage-like, if shared, parenting. The child's last name is the same as the other adult. The child's birth certificate lists the other adult as the parent — school registration and emergency contact information. A landlord tenancy agreement identifies parties as a couple. They present themselves in public as a couple. Documents express the two are or have been a couple — child support court order, a will, etc.

What this does when we bring it into line with the Supreme Court of Ontario's ruling is make it possible for people who otherwise would have been, under the old wording that automatically said you're a couple.... This gives them a way to prove to the ministry that they are not, that they're living together for economic reasons.

We've even had one case where — I don't know if it was here or Ontario — people were living in a mobile home, and one person was living in one end, one in the other. They were able to prove to the ministry that it was strictly an economic arrangement. They had been married, they're not married anymore, and they live there for economic convenience's sake.

This act, the way it's written now, the new act, allows people to do that by just proving that it's strictly an economic relationship — as you said, people living together to share the rent, to share certain expenses. They can now prove to the ministry that they are not, indeed, in a spousal relationship and that they're strictly in an economic relationship.

Whereas before, the court said the definition of a spousal arrangement was too broad. We had to narrow it down so that people under these circumstances could live together without being considered a couple.

[1920]

**C. Trevena:** As well as the Ontario challenge, I know that B.C. was facing a challenge on this very issue. I know there has been some pressure to make this change. What concerns me is that it seems to be making it more strict, defining it in such a way that it doesn't give people any flexibility.

Just in response to what you were saying a moment ago, minister.... It is up to the couple of people who are living there to defend themselves, as it were, and to say, "We are not a couple," because they are going to be regarded as a couple unless they prove otherwise. Is this the case?

**Hon. C. Richmond:** As I explained, the previous condition, under the old act, has been removed for precisely the reasons we're talking about. We do not want to capture adult relationships that are not spouse-like, which we would have before, and we want to be proactive in ensuring compliance with the Charter of Rights and Freedoms.

By virtue of these amendments, unless the two adults are married or acknowledge that they are living together in a marriage-like relationship, people will not be considered as spouses unless they meet the following conditions. First, they must have resided together, as I said before, for at least the previous three consecutive months or for nine out of 12 of the previous months. Second, they must demonstrate financial dependence or interdependence and social and familial interdependence.

The other conditions which I've said are that if they present themselves as a couple and all their documents and their bank account and credit cards say they're a couple, then they are deemed to be a couple. If not — if they are just sharing premises for economic reasons — then this gives them a way of proving to the ministry that they're not a couple, and they won't be treated as a couple.

**C. Trevena:** I think we've got a bit of a problem in the fact that many people, if they're on income assistance, may not have bank accounts. They may not be on direct deposit. They may not have any way which shows that they're financially interdependent in the way that the ministry is suggesting.

We have the question of people who may be sharing the accommodation for economic reasons. They go out together a lot, and somebody sees them on the street and perceives them to be a couple because they're seen out a lot. Wherever they go, they are quite often seen together. Then, it is up to the two individuals to have to prove that they are not a couple. But how do you prove that something isn't that it is? It's like saying it's....

I raised the issue in second reading about somebody who had to prove that they didn't have a job. Well, if you don't have a job, you haven't got anything to show that you haven't got a job. If you're not a couple, you haven't got anything to show that you're not a couple because you're not a couple. I'd like to ask the minister how this is going to be proven.

**Hon. C. Richmond:** It's the other way around. The ministry now has to prove that they are a couple. They don't have to prove that they're not.

The ministry has to, I would suppose, look for indicators, as I've said before, that they are living as a couple. They're financially dependent on each other. They present themselves as a couple. The client does not need to prove a negative. They don't have to prove they're not a couple. We have to prove that they are, which gives them much more flexibility than they had under the old act.

I've said this before, but any decision that results in a reduction or discontinuance of assistance, of course, is subject to reconsideration and then appeal, as before. If the clients feel that the ministry has erred in its judgment and said, "Yes, you are living as a couple; therefore, you're going to be assessed as a couple," they can always ask for a reconsideration or appeal the decision.

[1925]

**C. Trevena:** So it's up to the ministry to define whether somebody is a couple, through whether or not they have shared bank accounts, whether or not they're seen together, whether or not they have been sharing accommodation for three consecutive months or nine out of the 12 months. Assuming that the two people are not a couple, that they don't have bank accounts but that they are being seen together, how does the ministry go about proving this?

I raise this because from what I have heard, there have been occasions where the ministry has gone into people's homes to check whether two people are actually a couple, whether two people are co-habiting, whether two people are sharing the same bed, and that ministry workers have, at times, literally checked the sheets. I would like to know how the ministry will prove that people are couples if the ministry feels they're couples.

**Hon. C. Richmond:** If the ministry staff explore — and we don't go into people's homes anymore; that is another part of the act we will get to later — and if the evidence does not confirm that they are a couple, and in other words, in the judgment of the staff person, the evidence doesn't say they're a couple, then they won't be treated as a couple.

Sometimes, I guess it is going to be.... There is a fine line as to whether they are or whether they're not, whether they're just saying they're not a couple, whether they are and present themselves as a couple. It comes down to a judgment call, but those judgment calls are always subject to appeal. The ministry staff will have to make a call sooner or later, but if the evidence isn't there that they're a couple, then they won't be treated as a couple.

Determining financial dependence, interdependence and social and familial interdependence is not intended to be an easy formula. As we said before, you can't legislate for every situation. Each case needs to be assessed on a totality of the evidence, so the staff person has to look at the totality of the evidence and make a judgment call: yes, they are a couple, or no, they're not.

We will be providing guidelines and training to the staff, as I said earlier, on the kind of evidence that is fair and relevant in making these determinations. The final test of how fair and reasonable our decisions are is that any decision is subject to reconsideration and appeal. What this does is conform with what the Supreme Court said: that the definition previously of a spousal relationship was too broad. It just caught everybody in the net, and they said to narrow it down.

The suggested wording and the wording I read earlier about try-on relationships were the words of the Ontario Supreme Court, not mine. They said you must narrow the definition of a spouse and — that was their phrase as well — a marriage-like relationship, so it will come down in some cases to a judgment call by the worker.

**J. Kwan:** I have to say this. First of all, when the minister says that this definition, this amendment, actually narrows the definition of a spouse with these conditions, he is right to a certain degree. What the minister is doing is putting in legislation that says: "I'm sorry, income assistance recipient. You don't get to define whether or not you are in a spousal relationship. I am, in fact, going to take that away from you; then I'm going to give authority to the staff to make that determination."

[1930]

That's because of the wording under section 2 that reads:

Two persons who reside together, including persons of the same gender, are spouses of each other for the purposes of this Act if (a) they have resided together for at least (i) the previous 3 consecutive months, or (ii) 9 of the previous 12 months, and (b) the minister is satisfied that the relationship demonstrates (i) financial dependence or interdependence, and (ii) social and familial interdependence, consistent with a marriage-like relationship.

In other words, if a person shows up in an income assistance office and says to the worker, "No, we're not in a spousal relationship. We are residing together, but we're not in a marriage-like relationship" — in other words, the applicants do not acknowledge to the minister that they're residing together in a marriage-like relationship — then the staff goes, "Sorry, I don't believe you, and therefore, I'm going to exercise section 2(2) to deem that you are in fact a spouse, because I think that you are living consistent with these criteria."

By doing that, the minister, through the worker, has deemed someone to be in a spousal relationship. For that person to challenge that, the person would have to go through an appeal process.

Formerly, the onus was on the minister, on the government, to prove that the applicants were in a spousal relationship. The ministry had to prove that, but now we're reversing the onus, which I think is quite critical. I'm not sure how easy it would be for the applicants to prove that, especially when you are living in a very marginalized situation and you're feeling particularly intimidated around these issues. I don't know how successful people would be in bringing that challenge forward, and I'm not sure how successful with people appealing the process.

In my experience, in my community of Vancouver-Mount Pleasant, we have a lot of people who are on income assistance, and they are very challenged in a variety of ways. Many of them have legitimate reasons to appeal denials of decisions of government around benefits that they deserve, but fail to do so because of the challenges they face.

In fact, there was a recent study done in the city of Vancouver where there were a number of homeless people. A pilot project was done in the city of Vancouver. A number of people who are homeless, on the streets, failed to get income assistance, because they couldn't get through the process. They were denied. When the city of Vancouver sent out outreach workers to work with these homeless people and assisted them

in the process of re-applying, they were successful in getting income assistance.

That tells me that it wasn't because they weren't eligible, but because they didn't have the wherewithal to get through the system in the first place and needed assistance to do so. So to demonstrate this point, I am very worried with this amendment that puts the onus on the applicants to prove that they don't live in a spousal relationship.

Let me ask the minister: when the minister says to a couple, "Sorry, I don't believe that you are not in a spousal relationship," and then the minister's office deems that those applicants are in a spousal relationship, and they're going to appeal, what can they bring forward as evidence to persuade the people at the appeal that they are, in fact, not in a spousal relationship?

**Hon. C. Richmond:** Firstly, the member ranged all over the place. It was this ministry in conjunction with organizations in Vancouver that launched the outreach program and brought them into our ministry. Mainly, a lot of the people on the street were unaware that they were entitled to any benefits. The pilot project she talks about has been very successful. One of the first things we did with people was to not only get them shelter and some food but get them some identification, which they didn't have before.

[1935]

To come back to this issue, let's go back to the way it is right now before we pass this bill. The former provision in the old bill imported the concept of marriage-like relationships from the B.C. Benefits legislation introduced by the previous government, of which that member was a member. The previous legislation didn't define what marriage-like meant or provide any guidelines or framework. What we have done with this, in accordance with what the Supreme Court says, is we had to narrow the definition of a spouse down and define it more clearly, and once again, the client doesn't have to prove that they're not in a marriage-like relationship. The ministry has to prove that they are, only when there's sufficient evidence to support that decision.

It was always like that before. Cases were investigated, and they still will be because, let's face it, there will be a lot of people who will be in a marriage-like relationship but will say they're not, because they want to collect income assistance as two singles. But they're in a marriage-like relationship. Now there may not be many of those, but there will be some, and there are also some who will not be caught by this legislation where they would have been before, because they're not in a marriage-like relationship.

**J. Kwan:** Let me just put this example forward to the minister, and then let the minister tell me whether or not this scenario would deem these individuals to be living in a marriage-like relationship.

Two people share an apartment. They have separate accounts. They pay their portion of the rent. They sleep in separate beds. But they work together. They

socialize together. They go out to functions and events together. Often they go home together, because their social group and work group are the same group of people which they hang out with. Very consistently they do this.

Would these two individuals be deemed to be...? In fact, on the time-line question, they have been living in this kind of arrangement and been socializing in this kind of arrangement together for more than the prescribed period — certainly for three consecutive months, and certainly for nine out of the previous 12 months.

**Hon. C. Richmond:** If this hypothetical couple you're talking about, and there are probably lots of them out there, don't present themselves as a couple, then they probably would not be deemed to be a couple.

**J. Kwan:** When the minister says, "If they don't present themselves as a couple," what does that mean? What does "present" mean?

**Hon. C. Richmond:** It would be like any couple, I guess. If they present themselves as a common-law couple in a spousal-like relationship, they would probably be deemed to be a couple. But if they don't, and there is no financial interdependence — they simply share the same domicile for economic reasons — I doubt very much if they would be considered a couple.

**J. Kwan:** Financial dependence or interdependence. When people share living quarters together, when you have the same friend group, when you have the same work group, when you show up at events together and you often go home together and so on.... When you often, as many people do, buy food and you put it in the fridge and the other person says: "Hey, you know, can I have that yogurt? Can I have that glass of milk...?" You're making breakfast, and you say: "Hey, you want some breakfast?" Just a cordial kind of thing to do....

People drop in to my house. I may not be living with you as a spouse, but I'll say: "Hey, I'm having breakfast. You want to come in and have some breakfast?" So often we do that. You share all sorts of stuff. Would that be deemed to be interdependent financially?

[1940]

**Hon. C. Richmond:** First of all, we're not going to be sitting there when they open the fridge to see who shares yogurt with whom. We have no intention of that. Sharing some groceries, sharing some things, is not interdependence.

When it comes right down to it, I guess every government — your government, this government — is concerned with fraud. There will be people who will fraudulently say they're not a couple. Then the worker who is familiar with these people has to make a judgment call as to: are they truly in a spousal-like relation-

ship or are they not? Like I say, that's when the reconsideration and appeal process would take over.

**J. Kwan:** Well, let's be clear about one thing. It's true that I suspect that all members of the House are concerned with people who defraud the system. I think that's fair comment.

I will also say this. Where this side of the House differs from that side of the House around this issue is that this government would go through extraordinary lengths to get after people on issues around fraud.

We'll recall the issue around disability benefits and how the government actually went after — spending \$5 million — 46 people who were found not to be eligible for disability benefits. The opposition said: "No, don't do this. It's not the right thing to do." We also said: "I suspect there aren't that many people who are defrauding the system." Government plowed ahead anyway.

Here we have a section of the bill, an amendment, which gives extraordinary powers, in my view, to ministry staff to determine whether or not two income assistance applicants are deemed to be in a spousal relationship. Basically, what it does is it gives the government the authority to decide for those individuals, and define for them, whether or not they're in a spousal relationship.

We're talking about a group of people who are marginalized. People who probably have — many do — challenges in dealing with authority. People who are very afraid, oftentimes, to speak and to fight for their rights. People who are faced with tremendous challenges.

That authority is given here. So far I haven't heard anything from the minister to give me the assurance that those income assistance recipients and applicants would be dealt with in such a way that when the issue of whether or not they're in a spousal relationship.... When they say they're not in a spousal relationship, there's very little that they could go forward on to say to the government that, in fact, they're not — other than they can appeal, and nothing specific from the government on what grounds they could appeal other than their word. Hence, that's the challenge.

I would also say the appeal process has been changed fundamentally, because formerly it was a set of tribunal processes where there was a person from the ministry who would put on the tribunal to hear the case. The income assistance recipient who was challenging that decision also got to appoint someone, and then those two individuals mutually chose a third person to chair that tribunal. Right now that appeal process is entirely dominated by government people, which I dare say makes it even more difficult for a person to go through.

[1945]

In that light, maybe the minister can clarify for me: what is social interdependence, and what is financial interdependence? What does it mean when the minis-

try would use those two conditions to determine whether or not two people are in a spouse-like relationship?

**Hon. C. Richmond:** First of all, I don't know if I can clear that up for the member, because the member seems to have it in her mind that we're taking away privileges from people. It is quite the opposite. We're taking away powers from the ministry.

Let me read the section (c) of the old act. The old act says that a dependent, in relation to another person, means anyone who resides with the other person and who — section (c) — shares with the other person income or assets or any necessities of life obtained with the shared income or assets. This new act takes that away.

It's as the Supreme Court said: the definition of a spouse before was too broad. The ministry could just go in and say: "No. You're living together; therefore, you're in a spousal relationship." That's gone. They can't do that now. The ministry now has to see evidence that it is a spousal relationship. So this new act takes away powers from the ministry in accordance with the Charter of Rights and Freedoms.

I know the member is fond of recalling things, and she recalls some money that was spent to reassess persons with disabilities. Let's recall the mid-'90s. When they talk about the different philosophy between that side of the House and this side, let's recall 371,000 people on welfare in this province.

**C. Trevena:** We are looking at amendments to legislation which your government has brought in and which, clearly, there have been many problems with, and we are looking at the definition of dependent and spouse. You read the definition of dependent, and I agree with the minister that there have been problems. The ministry was being challenged and could've been taken to court. That is why the ministry, I believe, decided: before it gets to court, let's change things and try and make things better.

What we are asserting from this side of the House, minister, is that this is not going to make things better. The definition of spouse previously was: "**spouse**", in relation to another person, means anyone who (a) is married to the other person, or (b) is living and cohabiting with the other person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender."

The amendments which are being put forward, both for the employment and income assistance legislation and for people on disability benefit, are that a spouse will have to be:

...persons who reside together, including persons of the same gender, are spouses of each other for the purposes of this Act if (a) they have resided together for at least (i) the previous 3 consecutive months, or (ii) 9 of the previous 12 months, and (b) the minister is satisfied that the relationship demonstrates (i) financial dependence or interdependence, and (ii) social and familial interdependence, consistent with a marriage-like relationship.

While I can understand that people were very concerned that the previous definition of dependent and spouse was too undefined, was letting too many loopholes come through, I believe the new definitions that have been put down are too restrictive. It gives too much latitude to ministry workers to define who is a spouse — who may have been living together in the same accommodation for three months and two weeks, sharing food from the fridge, going out together because they want the company. They are deemed by a worker to be a spouse. Yes, they have the right to appeal that, but as my colleague from Vancouver–Mount Pleasant said, many, many people are not in a position to appeal. Many people are intimidated to appeal. Many people, even though they've been told about appeal, once they are refused or once they are rejected, that's it.

[1950]

People who are on income assistance are often the most marginalized people. These are people who are insecure, and this is why we want to make sure that when somebody is going to be barred from assistance, there is a legitimate right. I don't think that the minister has explained clearly enough what social and familial interdependence is, consistent with a marriage-like relationship. What is a marriage-like relationship? What is this interdependence, particularly when it is up to the ministry to be satisfied that that relationship is a spousal relationship?

**Hon. C. Richmond:** First of all, let me read you the old definition of "spouse: "spouse", in relation to another person, means anyone who (a) is married to the other person, or (b) is living and cohabiting with the other person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender." That's all it said.

Now we've added an awful lot to that. In the new legislation: "(1) Two persons, including persons of the same gender, are spouses of each other for the purposes of this Act if (a) they are married to each other, or (b) they acknowledge to the minister" — or ministry — "that they are residing together in a marriage-like relationship."

Subsection (2) says:

Two persons who reside together, including persons of the same gender, are spouses of each other for the purposes of this Act if (a) they have resided together for at least (i) the previous 3 consecutive months, or (ii) 9 of the previous 12 months, and (b) the minister is satisfied that the relationship demonstrates (i) financial dependence or interdependence, and (ii) social and familial interdependence, consistent with a marriage-like relationship.

Secondly, to answer the member for Vancouver–Mount Pleasant, the tribunal system still exists. First, there is a reconsideration by the ministry. Then it goes to an independent tribunal which is arm's length from government. To say that it's an onerous thing for people to do.... We have dozens and dozens and dozens of tribunals every year — three-person tribunals, arm's length from government. If they don't think they've

been fairly treated, they can present their case to the tribunal.

The amendment helps clients understand what constitutes "marriage-like" and is more consistent with the Charter.

Guidelines for assessing marriage-like relationships. Guidelines for assessing if relationships are consistent with the term marriage-like will include the following three factors: the length of time the couple have been together is greater than three months, financial interdependence is consistent with marriage-like, and social and familial aspects are consistent with marriage-like.

I'll read some of this. They've resided together, as we've said over and over, for the time periods. The residency factor is satisfied if absence is due to employment.

Mail. Bills are received by each party at the residence, the tenancy agreement is verified by the landlord that they presented as a couple, and there's a history of sharing common residence. The extent of social and familial aspects of the relationship between the two persons is consistent with marriage-like — sharing, parenting, child's last name the same, birth certificates listing the other adult as a parent, school registration and emergency contact information. Landlord-tenancy agreements identify the parties as a couple. They present themselves in public as a couple. And documents express that the two are or have been a couple.

The extent of the financial support provided by one person to the other person or the degree to which financial interdependence between the two persons is consistent with marriage-like. Application forms identify parties as spouses. Shared financial products. Credit cards. Bank accounts. Declared spouse on tax documents. Canada Revenue Agency. Third-party cheques indicate a dependent spouse relationship exists. In a relationship it is reasonable that one party could rely on the other party for financial or social support when in need and in a way that is unique to couples.

[1955]

In other words, there has to be a preponderance of evidence there that says to the worker that this is a couple. It's up to us to prove it, and if they wish to argue the case, they go to reconsideration by the ministry and thence to the tribunal system, which still is in existence, as it was under the former government and the government before that. They're arm's length from government, and they make decisions. Sometimes the client wins the decision; sometimes they don't. The tribunals overturn a lot of our decisions.

**J. Kwan:** Let's just be clear on the appeal process. Formerly, the people on that appeal process were people.... One person was selected by the income assistance recipient, the other person was selected by the ministry, and then they'd jointly select a third person. Right now all the people on the tribunal or appeal process are people selected by the government. Let's just be clear about that. Whether or not they're success-

ful.... That's another story for another day, which I won't get into.

When the minister says the onus is on the government — the minister and the ministry — to prove that the persons who do not acknowledge to the ministry that they are residing together in a marriage-like relationship.... Is the minister then saying that before a ministry representative can declare someone to be living in a marriage-like relationship, they have to provide evidence related to the list of items that the minister had provided? They have to come back with cheque stubs to show that cheque stubs have been written to these two individuals for a joint bank account? In other words, the minister would have to produce evidence to show that the two individuals have the same joint bank accounts, and the ministry would have to come up with application forms which those two individuals had filled out to say that they are in a spousal relationship?

[H. Bloy in the chair.]

Is that what the minister is saying? Or is the minister saying: "No, that kind of documentation would be subject to the applicants, for them to provide"? Whose responsibility is it to provide the list of information that the minister had read out?

**Hon. C. Richmond:** As I've said several times now, it is up to the ministry to provide. Those things I read off are examples of what a staff person would be looking for to prove or disprove a spousal relationship. We would probably ask for certain documents — release agreements, etc., bank accounts and the other things I listed off. It is up to us to determine. It is not up to the clients to prove that they're not in a spousal relationship. It is up to us to prove that they are.

There is no question that now the onus is on us, because it is much more difficult now to prove that someone is in a spousal relationship if they say they're not. It is far more difficult than it was under the old act.

**C. Trevena:** It is nice to hear the minister saying the onus is now on the ministry.

What happens if people don't have any of these records? How do people...? The ministry, in all good faith, wants to find out that these people who happen to be sharing accommodation for four months are not married or in a marriage-like relationship. But if they don't have any papers, how does the ministry then go about proving that? Is there a penalty for people if they can't prove that?

**Hon. C. Richmond:** First of all, when the member says, "It is nice of the minister to say the onus is now on the ministry...." I have said it four or five times: it is on us. If people don't have any documentation then we cannot prove that they're living as a couple, but it is pretty hard to live in this world and pay rent and conduct your daily business without any paper trail of any kind. Still, it is up to the ministry to prove that these people are in a spousal-like relationship.

[2000]

We have examples of it. Whether it is in the old bill or this bill, we will still have examples, lots of examples, of people trying to defraud the ministry. That's why we hire staff who do nothing but chase down fraud, and they find lots of it. I guess it's probably not any more than there was 20 years ago or ten years ago or today, but it does exist, and it costs taxpayers lots of money. There are always people who will try to circumvent the system.

What we're doing with this legislation is using, very closely, the wording that the Ontario ministry used. It was their case that was shot down, literally, by the Ontario Supreme Court because it doesn't comply with the Canadian Charter of Rights and Freedoms. We're trying to be proactive and, rather than be defeated in court at some point, say: "Look, we've got to come in line with the Charter; we've done that."

That's what these amendments do. It gives people more latitude, I suppose, in their relationships, and it puts the onus squarely on the ministry.

**N. Simons:** I need to have some clarification with regard to the default position that the ministry will take. As a former financial assistance worker, I know how difficult it is to determine eligibility. In this particular case, besides the fact that same-sex couples who come in and may not even believe in same-sex marriage might suddenly be determined to be spouses, which is perhaps contrary to what their belief system is....

What happens if a couple comes in and states that, in fact, they're not a couple? Is the default position of the ministry to presume that if they meet these two criteria, that's all the evidence they need that they are, in fact, considered spouses — simply those two sections that are part of the amendment?

**The Chair:** Excuse me, member.

May I remind all members that they are not allowed to use electronic devices while on the floor.

**N. Simons:** Yeah, I'll get the paperwork. Yes, thank you, hon. Chair. Sorry about that. It was to refresh my fading memory. It's been a long day.

**Hon. C. Richmond:** Under section 2(1.1)(2):

Two persons who reside together, including persons of the same gender, are spouses of each other for the purposes of this Act if (a) they have resided together for at least (i) the previous 3 consecutive months, or (ii) 9 of the previous 12 months, and (b) the minister —

or ministry

— is satisfied that the relationship demonstrates (i) financial dependence or interdependence, and (ii) social and familial interdependence, consistent with a marriage-like relationship.

**M. Sather:** This is a frustrating discussion, I must say. I expect it is for the minister; it certainly is, I think, for us on this side of the House.

The context for me, and the reason I want to speak to the bill, is that I get a lot of income assistance applicants and recipients coming to my office for service. I have to say that I have found the perspective this government has brought to this ministry to be nothing short of punitive in many, many respects.

It is not the case, either, that the reduction in income assistance recipients is necessarily due to some great works of this government. They have put up more barriers to people receiving assistance, such as, quite frankly, the phoney three-week waiting list. But I will accept that the government is trying to make some changes as a result of the Charter.

However, along with my colleagues, I cannot see in any way that this legislation, that these amendments, make the issue more clear in any respect whatsoever. If anything, it has all the appearance of being more difficult for the recipient to make their way successfully through this.

[2005]

The minister says that previously there was no definition of a marriage-like relationship, yet I heard him talk.... I don't see any definition of a marriage-like relationship here either. I heard a whole bunch of guidelines that the minister read about how to determine if two people were spouses, but that doesn't define whether they're in a marriage-like relationship. That's what's in the legislation. It's about a marriage-like relationship. Whoever is faced with having to deal with this legislation.... It is a mug's game. It really is.

Whether or not the minister says that the applicant doesn't have to prove they're not spouses, that the ministry has to, we all know that in reality, it's going to be those who are charged with carrying out the wishes of the minister on the ground who are going to make that determination. That is the fact. That's the way it will be. It is those workers who will decide whether or not this person is in a spousal relationship, in a marriage-like relationship.

The minister says, well, not to worry, because they can go through a reconsideration process and an appeal process. I would take no comfort in that whatsoever if I was an applicant or an advocate on behalf of one, because when they get to that appeal process, they're going to be going by what the words in the legislation are.

The legislation clearly does not say anything. What it says is that the minister has to be satisfied. So, in effect, the applicant has to argue about whether or not the minister is satisfied, which is obviously an impossible thing for them to do. That may not be the intent of the legislation, but that's what it says.

Surely, I would put to the minister, if the intention is to make it more clear that if people say they're not in a spousal relationship and they meet those guidelines that the minister discussed, it could be made far more clear than this that it's the case. This is not clear at all. I expect I am going to see applicants come to my office, and they're going to be told that they're in a marriage-like relationship, that they're spouses, for the reasons that are here.

I would just ask that the minister have a look at this and see if, at the very least, they can't make it much more straightforward and clear.

**Hon. C. Richmond:** Let me repeat what I said before. Under the old act, there really was no latitude for people: "**spouse**", in relation to another person" — this is the old act — "means anyone who... (b) is living and cohabiting with the other person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender." Period. There was no latitude.

Now, the worker who is working with the person has to satisfy themselves that there is financial dependence or interdependence and that a social and familial interdependence consistent with a marriage-like relationship exists. If that doesn't exist, then the worker has no choice but to say: "You're not in a marriage-like relationship."

Let me read this again: "Determining financial dependence and social and familial interdependence is not intended to be an easy formula." As I have indicated: "You cannot legislate to cover every situation. Each case needs to be assessed on a totality of the evidence. We will be providing guidelines and training to our staff on the kind of evidence that is fair and relevant in making these determinations."

**C. Trevena:** I will save the minister from reading the definitions and the criteria again. I think we all feel, as my colleague from Maple Ridge-Pitt Meadows suggested, that we are going.... This is very frustrating for all of us. In reading the definitions, what is becoming more and more clear and what does concern us on this side of the House is that under the previous definitions, the previous legislation, the criteria were very broad, and so many people were caught in that.

[2010]

Under the amendments that are being presented to us this evening, the difference is that the ministry now can have the authority to define who is in a marriage-like situation. We have: "The minister can be satisfied that a couple, two people, have been living together, have this financial interdependence, have the familial and social interdependence, therefore they can be deemed to be married."

My last question on this section — I hope it's my last question on this section: what does concern me is that with the onus on the ministry to define whether or not somebody is married, to find out whether somebody is or is not married.... When two applicants are asked to prove that they are not married, and they are not able to provide the information to prove that they are not married because they are not married, and they don't have any information which does prove the negative, they will not be penalized and will not face either the fact that they will not get assistance or will have financial clawbacks.

**Hon. C. Richmond:** Let me make it clear: the ministry has always had the authority to make this determi-



nation. You said in your last remarks that the ministry now has the authority to determine whether someone is in a marriage-like relationship. We've always had that authority. Now it's more difficult for us to prove. The onus is on us to prove.

Under the old act, there was no difficulty. It said: "If you are living together, you're a spouse." Now we have to prove it to be in compliance with the Charter of Rights and Freedoms. We have the authority, as we always have had, but now it is more difficult for us to prove it.

The client doesn't have to prove it. We have to come up with evidence, which I've read over about three times, that demonstrates that this couple is in a marriage-like relationship. I guess, to stop there for a minute, you can't just.... I don't know how else you could define it any more clearly, short of taking away any requirements.

If two people just walk in the door and say, "We're living as singles," then you just accept their word and say it. Then everyone would be living as singles — wouldn't they? If we just took away any requirements at all to show that you are in a spousal-like relationship, why wouldn't anyone living together just come in and apply as two singles? The cost would be unbelievable, and it wouldn't be honest.

All we're doing is saying to people: "Be honest with us." If we feel you are not being honest, then it is up to us to prove it.

**An Hon. Member:** Aye.

**C. Trevena:** Were you calling the vote? I apologize. I wanted to respond to that, if I might.

I think we all want to make sure there is no fraud. We don't want to see the system defrauded. We all want to make sure that people are treated fairly. This could be a move to treat people more fairly. What concerns us is that in trying to treat people more fairly, in trying to make the definition.... The definition that is being applied here is still too broad. Once we start defining "marriage-like" and "spouse," and once we start getting into the parsing that was happening here, it is still too broad.

Too much discretion is being left at the hands of the workers who are dealing with people who are under pressure. The workers themselves are under pressure. We don't want to see the system defrauded, but we also don't want to see people facing undue hardship and being potentially cut off from something to which they're entitled. This is really the concern we have here. It is not a matter of people defrauding the system. It is not a matter of people being.... You know, everybody coming and saying: "We are all singles."

[2015]

That shows such a lack of trust of the users of the system. Everybody is going to come and say: "We're going to try and get as much money as possible from the system." Most people are honest. Most people do face real hardship when they are coming to income assistance.

So what I'm hoping is that this act is interpreted extremely cautiously; that people who are sharing ac-

commodation because, as we have discussed in the past, they can't afford to get accommodation of their own — because of the assistance rates — are not deemed to be married for convenience of the workers or for convenience of the ministry; that in dealing with people who are facing real difficulties, who are claiming welfare because they are facing difficulties, there is a degree of trust; and that there is not the assumption that because they happen to be co-habiting because they can't afford to get their own place because assistance rates are so low, they're deemed to be married and therefore their benefits are further cut.

**Hon. C. Richmond:** What we are saying is: we're making it easier for people to say: "We are not living in a spousal relationship." They couldn't say that before. If they were living together, they were deemed to be a couple, and that was it. Now they have alternatives — to say: "No, we're not living as a couple." We have to see evidence to the contrary before we can say: "Yes, you are." If we don't see the evidence that I have outlined, or the ministry workers don't see evidence of it, then they are deemed not to be a couple. They didn't have that option before.

So I agree with you. We're all trying to be fair here. We want people to get what they're entitled to, but no more. We don't want people to be dishonest with that. I don't know how many regulations we can put in place to cover every eventuality, because you couldn't cover every eventuality. The onus is now on the ministry far more than it ever was before to find evidence that people are living as a couple.

**The Chair:** Shall section 2 pass?

Interjections.

**The Chair:** Division has been called.

[2020]

Section 2 approved on the following division:

YEAS — 42

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

NAYS — 25

S. Simpson	Fleming	Kwan
Brar	B. Simpson	Cubberley
Hammell	Coons	Thorne
Simons	Puchmayr	Gentner
Routley	Horgan	Lali
Trevena	Bains	Karagianis
Ralston	Krog	Chouhan
Wyse	Sather	Macdonald
	Conroy	

[2025]

Section 3 approved.

On section 4.

**C. Trevena:** I have a question on section 4: "15.1(1)(b) the income assistance, hardship assistance or supplement was provided to or for the family unit on the basis of inaccurate or incomplete information provided by the applicant or recipient."

Once again I ask the minister: we are all very concerned about the issue of fraud and people defrauding the system — and this section is clearly one where it is an attempt to prevent fraud — but I wanted to ask the minister how a judgment can be made on somebody, an applicant, providing incomplete information, and how that could be seen to be defrauding the system.

**Hon. C. Richmond:** One example that comes to mind right off the bat: incomplete information would be if a person had underreported any income that they might have received. They received hardship assistance or supplement, and then it was found later that they were not completely reporting any income that they had earned.

**C. Trevena:** I would suggest that that is inaccurate information, rather than incomplete information. "Incomplete" sounds like they haven't managed to finish the form, that for some reason they are not able to complete the form and they're going to be penalized \$25. At the present level that the minister mentioned the other day, it's \$25, and then it's increasing amounts for further occasions. I'd like to know, as I say, how this can be judged.

**Hon. C. Richmond:** The sanction is not automatic, and the amendment makes clear that a sanction cannot be applied until there is a determination that the recipient failed to take necessary steps to ensure the accuracy or completeness of the information. The person would be given an opportunity to explain the steps taken before a determination was made and a sanction applied.

[2030]

The amendment clearly provides that where there are extenuating circumstances for inaccurate or incom-

plete reporting — for example, a death in the family — the ministry would not impose a sanction. If, on the other hand, a recipient submitted a monthly report, a cheque stub, and failed to declare employment income or incorrectly stated the amount of income after they had received the paycheque, in the absence of extenuating circumstances, a sanction could be imposed.

Ultimately, any decision by the ministry to impose a sanction is subject to reconsideration and appeal. We want to make it clear that we're not here to penalize people. It's not automatic. What we're saying to people is: "Be honest. Tell us the truth on any forms you fill out or anything you tell us." Sanctions are not automatic.

**C. Trevena:** I'm very pleased that sanctions are not automatic. It would be very concerning if they were, particularly as people are often stressed when they are applying for income assistance and are often trying their hardest but not really understanding the system and needing assistance.

I further wanted to ask the minister about section (c): that the minister can take action if "in the minister's opinion, the applicant or recipient failed to take the necessary steps to ensure the accuracy or completeness of the information before providing it..." Again, I wanted to know how the ministry workers will judge what the necessary steps are, particularly since when people are applying for assistance they are really most often at their last resource, very stressed and very concerned about whether or not they are going to get the assistance.

**Hon. C. Richmond:** One example would include a recipient who submits a monthly report, a cheque stub, but fails to declare employment income or incorrectly guesses as to the amount of the income — which happens, even after the recipient had received the funds or the pay stub. If the two didn't jibe — the person guesses at their income and it's incorrect — they would probably, in most instances, be asked to correct it, to be honest and report how much income they earned. Failing that, then they could be sanctioned by the worker.

**C. Trevena:** What sort of time frame are we talking about? If somebody doesn't have their stub, and they guess their income and they're told, "We believe this is the wrong income. Please correct it," is it something that they're supposed to do immediately? In fact, it's not an automatic punitive approach? Do they have the chance to correct their mistake? Is that possible?

**Hon. C. Richmond:** If a person should have reported income and they didn't, and they received an overpayment, in most cases we just ask for that overpayment back. We are not — to repeat, we are not — out to see if we can fine people for making mistakes.

[2035]

If they make a mistake, they didn't declare something, we say: "Okay. We will take that overpayment back from you, probably on your next cheque." But if,

in our opinion, you're just not telling us the truth, and this happens over and over, then we have the means of saying: "Okay, we're going to impose a sanction upon you now, because you're not being honest with us." We do not want to punish honest mistakes, and we don't.

Quite often people will say: "Look, I earned more money last month than I told you about." They'll come in and be honest about it, and we'll say: "Okay, it's an overpayment." If it's a huge overpayment, we won't even take it all back in one month. We will take it back over a period of time, but if they're deliberately under-reporting income, that's a different situation.

**C. Trevena:** I'd like to ask the minister further. In the same section 15.1(1)(c), it says: "the applicant or recipient failed to take the necessary steps to ensure the accuracy...." How do the workers determine what the necessary steps to ensure the accuracy are? It's judging that people have taken certain actions, so what criteria are used to ensure that people have taken certain actions?

**Hon. C. Richmond:** What usually happens is that the worker would say to the person: "Look, this is what you should have done, but you didn't. Now you have to go back and take the necessary steps to ensure the accuracy and completeness of your information."

Usually when the worker is talking to the person, the mistake has already been made. It's already been done, so the worker has to say to them: "Look, here's what you should have done. You didn't do it. Now go back and take these steps and correct it."

**C. Trevena:** If I might, I'd just like to go back, because it's.... No. I apologize. That was under section 3, which we have already approved.

When the worker is assisting the applicant, assisting the recipient, on this.... We've heard in the previous debates of a lot of guidelines that the worker would be given for certain criteria. Again, will the worker be getting guidelines for these criteria?

**Hon. C. Richmond:** Yes. Before any legislation is proclaimed, the staff will be fully briefed and trained on how to interpret the legislation and the guidelines required. This legislation will be proclaimed probably, I would say, sometime this summer. I can't give you an exact date. It will be passed and given royal assent here, but it will not be proclaimed until later this summer.

Section 4 approved.

On section 5.

**C. Trevena:** I have a number of questions about section 5. The minister in his statements, when he was introducing the bill in second reading, was very effusive about the importance of section 5 and how it will give people more protection — that their information will have more protection because it is under the Free-

dom of Information and Protection of Privacy Act and that it will be really creating a sense of security for people.

[2040]

However, I really would like to challenge the minister on this. I know that in drafting the bill, the Office of the Information and Privacy Commissioner was approached. The Office of the Information and Privacy Commissioner had certain concerns about this, about the information-sharing agreements. In fact, he said — if I may quote from a letter written to the minister, of which I received a copy — that he "strongly believes that the Legislature should approach provisions authorizing information-sharing agreements with care and should ensure that clear and reasonable limits on the exchange of personal information exist as appropriate in each case."

I'd like to ask the minister: with these cautions that the Information and Privacy Commissioner made, why has he gone ahead and widened the information-sharing agreements under section 5?

**Hon. C. Richmond:** I'd be happy to do that. It does get fairly complicated. I'll read just a few short paragraphs here. The third set of amendments shifts the oversight for the protection of client information from employment and assistance acts to the freedom-of-information and personal privacy act — the strongest privacy legislation in Canada and amongst the strongest in the world. This change will not compromise the client's personal information in any way and will allow the ministry to more effectively participate in cross-government shared-services projects and research agreements.

Privacy is most effectively governed by the high standards of our Freedom of Information and Protection of Privacy Act, not by leaving it to individual pieces of legislation and setting up yet more silos within government. All these amendments are reasonable and fair to our clients, to taxpayers and to all British Columbians and will ensure that B.C.'s income assistance system continues to meet the needs of our most vulnerable citizens.

I further want to read from a letter from the Information and Privacy Commissioner, subsequent to the one that you spoke of. We did discuss it with him at length, and we have exchanged letters back and forth. This is his response to us as late as April 25, when this is dated — which was the day before yesterday: "Your letter" — that is, our letter to him — "says that the proposed information-sharing powers in the statutes being amended will fully align with the privacy protections in FOIPPA" — which is short for the freedom-of-information and personal privacy act. He goes on to say: "I agree with you that FOIPPA should, except in the rarest possible cases, be the source for public sector privacy provisions and principles."

I should add my own comment in here, too, that this way — no matter which ministry is introducing another act — rather than their trying to put freedom of information into every separate act, they put it all

under the Freedom of Information Act. He goes on to say — and I won't read the whole letter: "Among other things, a clear, consistent and substantive governmentwide approach to both legislation and policy on information-sharing agreements would be desirable."

I'll continue on from the next paragraph: "Therefore, I have asked my staff to initiate a discussion with the Ministry of Labour and Citizens' Services to provide a framework for future legislative and policy initiatives with respect to information-sharing agreements." He's literally agreeing with the statement I made a minute ago that any privacy information and information sharing should be under the Freedom of Information and Protection of Privacy Act, rather than in individual pieces of legislation.

**C. Trevena:** I thank the minister. I have copies of both letters. If I may respond by quoting some of the sections of the letters that the minister didn't read into the record.... This is of serious concern.

[2045]

I have specific questions on various sections within section 5. I want to come to them later on in our discussion, but I think it's extremely important that we find out the protection that people are going to have for their personal information because this is highly sensitive personal information. This is personal information for people who are on assistance, people who are very vulnerable, and it reflects later on in the bill when we come to talking about people who are on disability benefits.

The same information and protection of personal information counts there, so I think it's very important that we have on the record the concerns of the Office of the Information and Privacy Commissioner before we go into the explanations of why certain organizations may even want to share information of such personal nature.

While the minister talks about how wonderful FOIPPA is and the importance of the Freedom of Information and Protection of Privacy Act, I again quote from the April 6 letter of the Information and Privacy Commissioner, who states, "When it comes to privacy protection, FOIPPA, the Freedom of Information and Protection of Privacy Act, is the legislative floor, not the ceiling," which to me implies that it's a good basis, but it doesn't encompass everything and cannot be depended upon in everything.

I think the Information and Privacy Commissioner really confirms this by, as the minister has quoted earlier on, saying that he wants to initiate a discussion for future legislative and policy initiatives, because what we have at the moment doesn't go far enough. I continue to quote from where the minister left off in the April 25 letter, where the minister was talking about how "the proposed information-sharing powers in the statutes will fully align with the privacy protections in FOIPPA."

The Information and Privacy Commissioner continues:

The difficulty, however, is that the Freedom of Information and Protection of Privacy Act, FOIPPA, does not contain provisions that substantively regulate informa-

tion-sharing powers and activities such as those contemplated by the amendments in issue here. As my April 6, 2006, letter pointed out to you, part 3 of FOIPPA authorizes the ministry to disclose information where another enactment authorizes it. The amendments in this bill give your ministry considerable information-sharing powers.

The general issue that is raised is that FOIPPA contains no principles that in a substantive way guide or regulate the collection, use or disclosure of information through information-sharing agreements.

This is leaving, as I interpret it, the case wide open. It's leaving people extremely vulnerable in the view of the person whose responsibility is to protect the information and privacy of individuals in British Columbia. The commissioner is highly concerned about the changes which are being suggested in the bill.

**Hon. C. Richmond:** The paragraph that the member just read is precisely why the Information and Privacy Commissioner wants to, as he says "initiate a discussion with the Ministry of Labour and Citizens' Services to provide a framework for future legislative and policy initiatives with respect to information-sharing agreements."

He has come around to our way of thinking that it should be under his jurisdiction when he says: "I agree with you that FOIPPA should, except in the rarest possible cases, be the source for public sector provisions and principles." But he does have concerns over information-sharing agreements. That's why he says that he wants to initiate discussions with the Ministry of Labour and Citizens' Services, where this legislation resides.

[2050]

If the hon. member has concerns whether the standards in FOIPPA are adequate, a more appropriate way of addressing these concerns would be through a dialogue with government about amendments to FOIPPA.

I think that's really what the commissioner is saying — that he wants to discuss it and possibly bring in amendments. I firmly believe, as does my ministry — and so does the commissioner — that, as he says, FOIPPA should, except in the rarest possible cases, be the source of our public sector privacy provisions and principles. We, too, are concerned about very sensitive information that belongs to very vulnerable people, and we don't want to see any information get into any hands where it doesn't belong. This is why we feel that the commissioner's office is the best place for it to reside.

**C. Trevena:** Noting the hour, I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 8:51 p.m.

The House resumed; Mr. Speaker in the chair.

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

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

Hon. B. Penner moved adjournment of the House.

Motion approved.

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

The House adjourned at 8:53 p.m.

## PROCEEDINGS IN THE DOUGLAS FIR ROOM

### Committee of Supply

ESTIMATES: MINISTRY OF  
ADVANCED EDUCATION  
AND MINISTER RESPONSIBLE FOR  
RESEARCH AND TECHNOLOGY  
(continued)

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

The committee met at 3:08 p.m.

On Vote 11: ministry operations, \$1,981,707,000 (continued).

**C. Wyse:** Minister, we understand there's an accreditation review for the physiotherapy school at UBC being undertaken at this point in time. Further, we understand that UNBC's accreditation for the physiotherapy school is dependent upon a successful review being given for the accreditation of UBC. We understand that the potential for a failure in this accreditation is likely or possible, and that puts additional stress upon an area where we have a shortage already.

[1510]

The question I have for you, minister, is: what is the Minister of Advanced Education's response to the possibility of the school not obtaining its accreditation? Likewise, his response should only provisional accreditation be granted, which would be unacceptable for our only physiotherapy school here within British Columbia.

**Hon. M. Coell:** Universities are responsible for meeting the standards set out by such bodies as the Accreditation Council for Canadian Physiotherapy Academic Programs. Our government funds each institution as a whole rather than funding particular or separate programs, and the post-secondary institutions are in the best position to decide how their funding should be spent. Government does not and has not in the past interfered in any way with those decisions.

Just for an example, government has provided UBC with almost \$400 million this year. That's more than all the other British Columbia universities combined.

The physiotherapy program that the member mentioned at UBC moved from a three-year undergraduate program to a master's-level program before this new process was put in place, so it's difficult for me to answer those questions in that it's really up to UBC to go through the accreditation process and to offer the programs and the level of programs that it sees fit.

**B. Simpson:** I have a couple of questions, particularly around the College of New Caledonia. I know that the critic has canvassed some of the broader issues, but certainly, as I have grown into this role over the last little while, I've been canvassed by a number of folks in the post-secondary institutions around my area. This is what they are telling me. Decreased support for student services, for counselling, for various other career programming and increased tuition and student costs are putting unreasonable burdens, and that particularly impacts rural campuses. The funding formulas for post-secondary institutions are resulting in a restriction in options.

What has been told to me is that this is creating a perfect storm. Those are words that aren't mine; they're from people who are in the institutions. The perfect storm is that we're beginning to see, and started seeing in 2003, a decline in enrolment in our post-secondary institutions while our skills gap is growing.

I know that the critic has canvassed these. What I'm curious about is a very explicit aspect of this, and that's the 90-percent utilization rate criterion for funding. What I'd like to know is whether or not that has been assessed with respect to the impact it's having on program offerings, particularly programs in smaller campuses where they don't have the luxury of always putting enough bums in seats to offer the full range of programs.

To the minister: what has been done to evaluate the impact of the 90-percent utilization rate on program offerings?

**Hon. M. Coell:** There were a number of questions in there. I tried to jot them down, and I'll try and answer them all.

There isn't a 90-percent utilization requirement. How we fund institutions is block funding, and there isn't a decrease in CNC's allotment. They're actually seeing a 2.9-percent increase in the amount of money they are receiving this year, and they have a 2.3-percent increase in target for seats. So they'll see an increase of seats and an increase in their budget. They also had a 0-percent increase in tuition last year, to put those questions in context.

[1515]

Yesterday we talked about reallocation of some seats, and there have been areas of the province that have given up some seats and other areas of the province that have received those seats. I'll give you an example. I think CNC decided that they wouldn't take 20

of the allocated seats for this year, and they were reallocated to Emily Carr, which can use those seats. There were only 72 out of the literally thousands of new seats reallocated, but those are two examples.

What we've tended to do is block-fund. Every institution is seeing increases in the number of seats. Some are seeing more than others, of course, by the size of the institution. They're all seeing increases in allotment for block funding. What we've done generally — and, I think, historically — in the ministry is that if someone is not able to use those seats over a period of time, we could reallocate them, but right now they're all receiving an increase in seats and some more than others.

**B. Simpson:** Where does the 90-percent utilization rate come from? Because I'm being told from a number of fronts that that is a funding criterion that's being used. Where does that come from?

**Hon. M. Coell:** It's not a criterion that the ministry uses. If someone is telling you it is, I'd be interested in knowing in what context they're mentioning it.

**B. Simpson:** I'll follow up on that and find out for the minister.

Continuing with CNC, the college has concerns — and I believe these concerns have been expressed to the minister's staff — that its future is uncertain. It's not sure where it sits in the scheme of things with respect to a perceived preference for universities, and with UNBC sitting right there, then, there's concern around what the future holds for CNC.

At the general meeting for the faculty association, those concerns were captured in the faculty association's minutes with respect to 50 full-time, regular faculty members that have been lost due to layoffs since 2002. More layoffs are due this year, the faculty association has been told. I'll just read directly from one portion of it.

Program reductions, suspensions and terminations have been equally dramatic, as well as virtually throughout cross-program areas. Faculty layoffs in business, college foundations, community education, technologies, trades, UC arts and science. Program reductions have been seen in every area. Suspension of first-year student intakes has recently hit new media, computer information services and social services in Quesnel. The IBT, home support and long-term care, electronics common core, wood technology and engineering design programs have all been terminated.

The sense in the College of New Caledonia is that they're in a downward spiral where they're offering fewer and fewer programs. They're being driven more to university transfer, which then positions them poorly against the university for attracting students. So for the sake of the folks who work there and the sake of the community, does the ministry have any intent of rolling CNC into UNBC in the near or distant future?

**Hon. M. Coell:** I can say definitely not. We view the colleges as a very, very important part of the post-secondary system in the province.

I think one of the interesting things with Prince George is that the college, being connected to the community, is looking at what the community needs to offer, and they are readjusting some of the courses. The new courses that they're offering are in apprenticeships and entry-level trades training, vocational programs. In the last little while they've actually just completed a new building for trades, and I've been through that building.

[1520]

There are some changes, but that's what the colleges do. They will, from time to time, change the direction because of the needs of their local community and the Prince George area. I think they're having a snapshot look at what they think is needed now and four years out. They're changing some of their courses, so there'll be changes in needs for some of their staff members, I'm sure, and in putting those courses together, there'll probably be additional hirings as well. Some of those staff may fit into other jobs. They're doing exactly what colleges do, and that's looking at the community and what the community needs.

**B. Simpson:** One other question. The minister and I have had this conversation before with respect to smaller campuses and the struggles that smaller campuses have. They get caught in a catch-22, where they have to go out and try and get people to register for courses, but they can't guarantee that they will be offering the courses. From a retention strategy, particularly, it becomes very difficult.

I'm wondering. Given that we have a brand-new Quesnel campus, that we have the combination of UNBC and CNC in that campus and that the community is desirous to move, as I'm sure the minister is well aware, into the second phase — the trades and technology phase, which is what lots of members of the community are very interested in and moving on to — is there any possibility of the Quesnel campus becoming a pilot for alternate funding models where we can put in core programming to attract first- and second-year students to remain with us and to give the longer-term guarantee, at least on a pilot basis, for our local students to remain in our community? So a core first- and second-year university transfer and various other programs that will require different funding than we have just now.

Is it possible for CNC and UNBC to engage the ministry in finding a way to fund such a pilot in our community so we can then utilize what we have and move on to what we want to have as well?

**Hon. M. Coell:** It's not something we've considered, but it's something we will consider. I think that any collaborative models that can be put together with UNBC and CNC would be worth looking at.

**B. Simpson:** Thank you to the minister, and I will make a point of following up with that.

**C. Trevena:** I'm actually going to be following on directly from my colleague the member for Cariboo North and asking about alternative funding models.

As the minister knows, I've talked in the past about this. The community college in my constituency is North Island College. It covers a huge area, right out to the west coast through Alberni; up through Comox, where it's got a campus; Campbell River, where it's got a campus; Port Hardy, where it's got a campus. It's got locations in Bella Coola. It goes right into the central coast. It does cover a huge area. It will never have huge student numbers because it is a community college and there aren't huge student numbers there to attend it, but it does serve a very important role in the community.

We've already got concerns that the college has cut back its locations, its different sites, and I've been discussing this with the president. One of the issues, as my colleague from Cariboo North mentioned, was the issue of funding structures for rural colleges. I wondered whether the minister could elaborate a little on how he's going to be looking at funding for rural colleges.

[1525]

**Hon. M. Coell:** I've got a couple of answers for the member. North Island College this year will see a targeted increase for students of 2 percent. That's made up of an increase of 16 for nursing and health and 36 for general growth. We'll see an increase of about 2.4 percent in their budget, which is \$447,000.

When we put the tuition cap on, we did a study with the universities and identified a \$30 million gap between what they would get out of it — an average 2-percent increase, or the cost of inflation — and so we added that \$30 million into the university budgets.

We also did the same thing with the colleges — worked with them individually and collectively through their consortium. There was a \$10 million disconnect, I guess, between what they thought they needed from tuition increases and the 2 percent, so we've added that \$10 million into their base budgets as well. That's ongoing for five years and will be reassessed at that time.

At the same point, we're also doing a review of the colleges, expected later this year, to look at funding and levels of funding in the different colleges throughout the province. Also, I think that in the fall the member and I talked about a study, and we funded that \$15,000 study for North Island College to look at the needs assessment — at what they might need in the next three or four years.

**C. Trevena:** I thank the minister for that.

I wonder whether it is possible that the government will be looking, actually, at different structures, because when we are talking about large rural colleges, even.... As you say, they've got a 2-percent increase in students, but we're talking about, in most scenes, a handful of students — about 40 or 50 students in total. The linking of budgets to student numbers when you're covering a very large geographical area I think is one of the main challenges that colleges face. It's an actual different structure that is needed rather than just simply adding to the pot on student numbers.

That is what I would hope the government will be looking at, particularly since North Island College has the lowest per-capita funding of all rural colleges. Even though it's going to be getting the \$447,000 increase, it's still going to be the lowest. It would need about \$5.8 million to get it to be the second-lowest. I wondered if there was any way that I could urge the minister to increase that amount for North Island College.

**Hon. M. Coell:** The rural colleges all do receive a higher level of funding than the urban colleges. It looks like they're at \$8,590 per student for North Island College, which is ahead of some of the other rural colleges and definitely ahead of all of the urban colleges at this point.

[1530]

**C. Trevena:** I thank the minister on this.

I have one further question. One of the ways of trying to enable students to access North Island College — which, as I say, has a decreasing number of locations — is through the Internet and linking the different locations through new technology. Unfortunately, with a rural college there is also the issue of broadband access. Certain of the campuses have broadband access, and certain ones don't. I wondered if the ministry can give any assistance in upgrading all of North Island College's locations so that there would be broadband access everywhere.

**Hon. M. Coell:** I'm informed that we just recently did an upgrade to the Campbell River campus, but I will look into it. We are trying to do all parts of the province with broadband, so we'll look into that for the member.

**C. Trevena:** I thank the minister for that answer. If I can follow up with staff about that.... I understand staff are also coming up to North Island College, which I very much look forward to.

With that, I'll hand over to my colleague from Vancouver-Mount Pleasant.

**J. Kwan:** I would like to ask the minister on three areas in terms of questions. The first is an important project in my constituency, a project that has been ongoing for quite some time. Following from last year's estimates.... I shouldn't say last year, because it really wasn't that long ago — last fall, more specifically. It's the project with respect to Simon Fraser University in the Woodward's building.

At that time it was not finalized yet as to whether or not SFU would be successful in getting the capital funding necessary to be a participant in the Woodward's project. I wonder if the minister can provide me with an update in terms of where that is at now.

**Hon. M. Coell:** I still don't have anything to announce at this point. As you're aware, SFU is using a lot of capital right now in their capital projects on campus and at their new campus. There isn't an announce-

able at this point, but we continue to work with Simon Fraser. I can tell the member that I think it's a good use of the Woodward's building to have an educational facility in it, so we're continuing to work with them on that.

**J. Kwan:** There may not be a particular need for a time line on the minister's side in determining whether or not SFU will get the funding; however, on the community side of the project, there is a time line. At some point in time, you know, the community and the people involved in the project will need to move on if SFU is not going to be a partner. At what point, then, will the minister be able to advise on a sort of time frame in terms of when the decision will be made so that we know on our community side what's going to happen with respect to Woodward's?

[1535]

**Hon. M. Coell:** We probably need a couple of months before.... There are a number of ways this project can move ahead with different levels and different kinds of funding as well. I think SFU is desirous to see this move ahead, and I think that they have a great deal of capital priorities. They're putting their priorities in place, probably in the next few months, with us doing a capital review — as we do every year, as the member would know — for capital plans for the next year, so I will keep her informed as quickly as I can.

**J. Kwan:** I would appreciate if the minister would endeavour to update me either by phone, by writing or by e-mail as the project development progresses one way or another. If it's good news, great. If it's not-so-good news, I would appreciate knowing as well.

I'm going to move on, then, to another area for the minister's response. I have a letter from a college instructor, and it's somewhat perturbing, actually, with respect to the situation. I'm going to put the letter on the record, and then I would like to get the minister's response to that.

The letter is addressed to me because this is a constituent.

I've been a skills instructor at Vancouver Community College for over 15 years, and they have been the most rewarding years of my working life. Our middle name is Community, and we do focus on meeting the unique needs of our community.

Currently I'm the acting department head of the auto technician program. You may know that this is the oldest such program in the entire province, having begun at Vancouver Vocational Institute — now our City Centre Campus — in 1947.

For various reasons the government of the day abruptly wound up the affairs of ITAC, replacing it with nothing immediately. The resulting confusion — as its replacement, the Industry Training Authority, the ITA, slowly emerged — is still a major challenge both to the college and our community.

You may be aware that the ITA is currently proposing to drastically cut the training timing for entry-level trades training from 50 weeks to 20 weeks. Some people speculate that this is to level the playing field so that the private trainers can economically compete. VCC has built

up a curriculum...and technical plant and equipment over decades to offer training that results in employable students. Thus a firm and durable first step up the economic ladder is acquired by our graduates.

De-skilling to fit into the 20-week mould will bring serious repercussions both to business and to our students. This will be especially hurtful to the students of our community, which is largely composed of new Canadians. While working with new Canadians is both exciting and rewarding, my confidence in their ability to overcome any obstacles is tempered by the fact that no hard work can overcome a total lack of hands-on experience in such a technically oriented field as auto mechanics.

[1540]

Such will be the case if the ITA defaults, to use their term, to their 20-week model. The ITA has stated that they are there to carry out industry's wishes as to training time. This has some dubious effects in other trade areas, but in our industry area, spokespersons and process participants have been wholly onside in support of a 40-week training model as a workable compromise. In spite of this consistent and energetic industry response in support of a workable training time, the ITA seemingly returns, again and again, to their 20-week ideal.

In summation, I've taken the liberty of approaching you, as our MLA, in hopes of getting answers and garnering support for our community's need. I'm aware that some other MLAs have been vocal in their support of their local community colleges and high schools that also offer trades training. Prince George is a good example.

The letter goes on with some other issues, but I do want to just pause here for a moment and ask for the minister's response with respect to the training time that's been suggested which is required to train skills individuals in the auto mechanic industry.

**Hon. M. Coell:** This is one of the issues that sort of crosses two ministries. The Economic Development estimates will be up, I believe, later this week or next week, so you'll probably have a more in-depth question to them as to why the change.

I think, from our perspective, there were a number of colleges that were delivering similar programs at different lengths of time, and working with the Minister of Economic Development, they have tried to standardize what's expected out of those courses. Some will be shortening up a little bit — some more than others — and some staying the same to deliver the same courses.

That's about the extent of my background on that, other than to say that the courses are all going to still be delivered through the colleges. There's actually no reduction in ITA funding in any institution this year or next year or the year after, so the colleges will still be funding those programs, although some of them will be shorter in length.

**J. Kwan:** I will take the question to the Minister of Economic Development, who has the ITA program under his ministry. I am aware that they are different lengths in terms of the programs, but with the case of VCC, we're talking about a need for a 50-week program, and they're being reduced to a 20-week program. From the instructor's point of view, he's saying that



that's insufficient to train the skills labour force that's needed in that industry. Both industry and the participants agree. I will raise that with the Minister of Economic Development.

I just have a few more moments, so I'm going to ask another question of the minister on a completely different issue. This is something that I've actually written to the minister about approximately a month ago, and I've not had a response from the minister since that time.

It's regarding a particular constituent. He has given me permission to use his name — George Papajon. He's a constituent in Vancouver–Mount Pleasant, and he's been in touch with my office. In June of last year he applied for interest relief, and on December 12 he filed an appeal. On January 20 he received an unsigned letter dated September 16, 2002, which refused his appeal.

[1545]

On his behalf my staff had requested an explanation as to why he received a letter dated September 16, 2002, and an explanation of how BCSAP reached the calculation of his annual gross income as \$23,210, since his appeal form documented his income as \$770 a month, well under the amount for which the calculation was used to deny his interest-relief assistance. He had copied that information with the appeal forms to the various people and subsequently received a telephone call, though the caller did not provide a name, explaining in an unsatisfactory manner that the letter was simply misstated, but not offering any explanation of how the income was calculated.

I have written to the minister on this issue, and I've not yet received a response. It's been a month since then, and still the person is wanting to get relief. The relief issue here is based on the miscalculation of what was thought was his actual income. He has the documentation to verify his actual income, so he should be qualified for relief.

I know it's an individual case; it's complicated. What I'll do is copy this letter again and give the package to the ministry staff and to the minister. If the minister could endeavour to get back to me and to my constituent on that, I would appreciate that very much.

**Hon. M. Coell:** I will do that right away.

**C. Wyse:** Through the Chair to the minister, I would like to take you back to the question I started off with, without going into the preamble. I well appreciate you being in charge of Advanced Education so that we could make that announcement, that jump.

There is no accreditation for the physiotherapy program. If the accreditation doesn't take place, then that means the graduates will not be eligible for writing the national registration examination and thus will not be able to work in Canada. No accreditation could mean a one-year gap in having students while the program gets its act together and thus, also, no UNBC opportunity for expanded training in partnership with UBC.

The question I have been asked to pose to you: can you advise me of what backup plan your ministry

would have to address this situation, should either full accreditation not take place or only partial accreditation be granted?

**Hon. M. Coell:** Just to answer the member, we're in communication with UBC on this issue. My staff have met with staff at UBC, and we're going to monitor the situation. If we see anything else coming out of this accreditation that isn't positive, we'll be working with the Ministry of Health and UBC.

**J. Brar:** I have a couple of simple questions. The first one.... I'm aware that Kwantlen University College in my riding, in Surrey, has in the past been lobbying for university status. I would like to ask the minister to provide some updates on that file, if there are any updates.

**Hon. M. Coell:** Actually, I spent a day and did a tour of all the campuses of Kwantlen not too long ago and was very impressed with their staff and the operations that they have. I have requests from the university colleges to change all the titles from university college to university. I also have the same request from Emily Carr.

[1550]

We're reviewing all of those. We also want to have a review of the post-secondary system over the next year to look at where we can make improvements and changes. I think there are always options to make adjustments to the post-secondary system, and that's been done historically every while. There are changes being made. We're making some major changes in the buildings on campuses right now — and the 25,000 new students. I've literally approved probably 20 or more new degrees within the system in the last year as well. We take the request seriously, and we're reviewing it.

**J. Brar:** A similar request was also made to the minister by a number of people — including the Abbotsford mayor, George Ferguson, and city councillors and friends of the University College of the Fraser Valley — for changing the name or getting a university status.

At that time the minister indicated to those people that the ministry is conducting a provincewide review to assess the need and subsequently make some decisions on that. I think the Kwantlen university request will be part of the review as well.

My question is: how much time will that review take? And what is the deadline that we have at this point in time?

**Hon. M. Coell:** In speaking to the presidents of all the university colleges and Emily Carr, I've said we're looking at about a 12-month period. There will be lots of input from the university colleges and the rest of the post-secondary system as well. We want to make sure that the review looks at their requests in a serious way and also looks at how the rest of the system is working and running and where we need to go in the future. I look forward to working with them on that.

**J. Brar:** I understand the 12-month review, but I wanted to know when that starts. And what is the end date?

**Hon. M. Coell:** Well, I think probably within the next calendar year would be the review process. I don't know whether there will be any need for legislative changes, so we'd need to work that into a legislative calendar as well.

**J. Brar:** If I understand that correctly, the minister is talking about 2006, not 2007.

Interjection.

**J. Brar:** Okay.

My understanding is — and correct me if I'm wrong — that the number of FTEs in each college is based on the population that the particular college is serving. The number of FTEs at Kwantlen University College is significantly low compared to many of the colleges in the lower mainland.

My question to the minister is: is the minister aware of that discrepancy? If the minister is aware, what is the action plan to address that issue?

**Hon. M. Coell:** It's not strictly the case that you go with population. Historically in British Columbia, the ministry has tried to serve every part of the province with some post-secondary opportunities.

The lower mainland is actually the best served in the province. There's a 4-percent increase in the FTEs this year in the budget for Kwantlen and almost 3.8 percent next year and then 3.6 percent the following year.

[1555]

It's bumping up a 5.7 percent increase in their budget this year, 4.3 percent next year and then 4.1 percent the year after that. They're seeing increases every year and increases in FTEs every year as well.

**B. Ralston:** I want to ask the minister a question about Simon Fraser University's Surrey campus which I had pursued in the fall of 2005. It's really the same question, but I think that at that time the minister said he was prepared to consider reviewing it.

As the minister will know, the enrolment projection for SFU Surrey for up to 2015 is 5,000 students. There are presently 2,000 there. It's the fastest-growing region in the province, and the leadership at Simon Fraser has shown me statistics that demonstrate that spaces and participation in post-secondary education is significantly lower in that region, particularly among men aged 18 to 25.

My question is.... I think the minister had said he would consider this last time, because SFU has assured me that they're able to meet much higher targets. In other words, they would like to see enrolment expanded much more dramatically, particularly given the time horizon of nine years out. It's barely 500 or 600 students more a year. So will the minister agree to re-

view the funding in those projections and consider more funding for Simon Fraser in order to meet what is obviously a demand for university spaces in our region?

**Hon. M. Coell:** We did do that review approximately two months ago with SFU and agreed on the 5,000-FTE target. We will probably do that review again with them in the next year or so to see that we're on that target and that we both agree with the funding formula. We also did look at the funding mix and compared that to UBC Okanagan and found that the amount of funding for that mix was agreeable to both of us as well.

**B. Ralston:** I will pursue that in the next set of estimates, because notwithstanding the commitment that you've made to them, I'm not convinced that they couldn't do more and that there isn't a greater demand in that region.

I now want to ask my second question. I hope I've alerted your staff. There's a program at Kwantlen University College called the sheet metal youth-skills-link program, which is a program that has some funding from Human Resources Canada. It's a program which has been operating for three years there. It takes at-risk youth in Surrey to get access to valuable training in the sheet metal trade. This was brought to my attention by Terry Van Steinberg, who represents the faculty association there.

I understand from talking, as recently as today in another meeting, to someone involved in the sheet metal union that there's a strong demand for trained sheet metal workers. Apparently, what happened is that the application was made to HRDC, and then, for some unexplained reason, they sought a huge increase — a \$90,000 increase — in their budget. I think the fear is that it may jeopardize the funding and that therefore, the whole program will not go forward.

[1600]

I'm wondering: can the minister advise if he's received any representations on that and what steps his office has taken to ensure that what appears to be a very valuable program continues at the Kwantlen University College?

**Hon. M. Coell:** It's something that I can't recollect coming across my desk, so I'll ask staff if they can look into that. Or maybe if the member has a copy, he could copy it and hand me a copy, and I'll look into it for him.

**B. Ralston:** I thank the minister for that, and that concludes the questions I have.

**The Chair:** I will now call Vote 11.

**C. Wyse:** The information I have was that we were here until 4:30. Is that information inaccurate?

**The Chair:** That's fine. It's yours, so continue with your questions.

**C. Wyse:** Thank you, hon. Chair.

For the record, I've just been handed an additional question that I'd like to read into the record, and then I will pass this on to his staff to pursue. I have an individual that has made five attempts to get a tax receipt for the interest paid on his student loan in 2005. There has been no response, and rather than reading all of the letter to you, minister, I would simply ask for your assurances that your staff will investigate this and deal with it immediately. That's my question.

**Hon. M. Coell:** We'll certainly look at it for the member.

**R. Fleming:** I just wanted to ask the minister a couple of questions related to institutions adjacent to my riding.

Interjection.

**R. Fleming:** I wasn't going to hit you up yet for that.

One of them, the University of Victoria.... I just wanted to ask the minister a question. Since tuition fees have approximately doubled, student loan disbursements in British Columbia have also approximately doubled since 2001. I think the rationale was that higher tuition fees, more revenue for the institutions, would allow more course offerings and therefore enhance timely completion of degrees for students. I just wanted to ask if degree completion rates have improved over the past several years at the University of Victoria to date.

**Hon. M. Coell:** That's not information we would have, but I'll endeavour to get that from UVic and pass it on to the member.

**R. Fleming:** Of the 25,000 new post-secondary spaces that the government has projected or prescribed as a goal for the province, I'm just wondering if the minister can tell me what approximate share that UVic is expected to shoulder and what the percentage of the enrolment growth will be over, say, the next three years that are in the ministry three-year budget.

**The Chair:** If I could remind all members that they are not allowed to walk behind the Chair. We have the staff from the Sergeant-at-Arms or the Clerk that can move the material for everybody.

[1605]

**Hon. M. Coell:** Of the 25,000 new spaces, UVic will be handling 1,900 of those.

**R. Fleming:** That is, I'm just going to say, approximately a 10-percent or 11-percent growth, because I think the student body is about 19,000 currently. I'm just wondering what the percentage of funding that accompanies that enrolment growth would be, if it's a similar percentage.

**Hon. M. Coell:** Actually, the funding growth is 13.4 percent. We have three-year rolling service plans, so

this year they're having an increase in FTEs by 1.6 percent, but their actual budget is increasing by 4.6 percent. Then in 2007-2008 it's a 1.8 increase in FTEs, a 1.4-percent increase in budget, and the following year 1.7 increase in FTEs and 1.4 in budget. So at end of the 25,000 seats, you would see that their budget, I would imagine, would go up by approximately the same amount as the FTEs, give or take a bit.

**R. Fleming:** The budget figures that you just cited in terms of the increases, is that inclusive of capital and operational grants?

**Hon. M. Coell:** That's just operational.

**R. Fleming:** Questions — just a couple about Camosun College in our region. In terms of skills training funding, I know that in Budget 2006 most of the dollars go to industry, not post-secondary institutions. I'm just wondering if there is additional funding to increase apprenticeships and skills training at Camosun College for this year and for the three-year budget plan.

**Hon. M. Coell:** This is an issue that kind of crosses two ministries. The ITA funding, there would be no reduction to the college sector in this year or next year or the year after in the three-year plan. Our budget for Camosun, they have an increase of 1.5 FTEs this year, then 1.7 the next year and 1.6 the year after. The increase in their budget is 2.9 percent this year, 2 percent next year and 1.8 percent the following year to cover the cost of those increases in FTEs. They're going to be increasing, but they also get some funds from the ITA. The Ministry of Economic Development's estimates aren't up yet. You might want to talk to the minister about where those funds are going and how they're being allocated.

The other thing we did do was have \$5 million for funding for the colleges for trades training, and that's gone out this year as well.

**R. Fleming:** I will indeed follow up on that suggestion, because I understand that there's still a two-year waiting list for the electrician program and a 1.5- to two-year wait-list for the plumbing program at Camosun College. I think, from senior executives at the college, the outlook for at least the next academic year is that there are no anticipated new course offerings to help with that situation.

[1610]

Again, a question for the minister about Camosun College, whether he can confirm.... Due to a policy change of this government several years ago, tuition fees were reintroduced for adult basic education. Some institutions — a very, very few, I think, maybe two or three in the province; Camosun College has been one of them — resisted the ability to bring back tuition fees for adult basic education. I wonder if the minister can confirm whether that's still the case at Camosun College.

**Hon. M. Coell:** Throughout the whole college system, if you haven't graduated from grade 12, ABE is

free. I don't have that information, but I believe on their websites each one of them has what courses are free and what cost. I can get that information for the member as well.

**R. Fleming:** Just a question again about Camosun College to do with the practical nursing program. I understand that in 2005-2006, this current year, it wasn't offered — officially due to lower enrolment. I'm just wondering if the practical nursing program will be on offer for 2006-2007.

**Hon. M. Coell:** This year we have allocated and funded an additional 44 for nursing and health, and next year an additional 16 for nursing and health. I'm not sure whether they have the breakdown as to what is practical nursing and what are other health programs at this point, but they should have it very shortly if they're going to be offering them in the fall.

**C. Wyse:** In following up, a few weeks ago the member for Cariboo North and I had written your ministry with regards to a licensed practical nurse program being offered in Williams Lake. There has been demonstrated a huge need for this particular program. The course offering would provide for 16 seats to be run out of Williams Lake. By the time that program would be completed, we have identified the need for 41 LPNs in the Cariboo area.

The demand is huge. We've heard many times in the House the need for the provision of this increased care area. My question to the minister is: what support has he been able to provide for the assurance that this program will be offered in the Williams Lake campus this fall?

**Hon. M. Coell:** We've just had a number of workshops with the Ministry of Health and the health authorities to identify needs for the next few years. We haven't got that completed as yet. There are allocations for the number of nurses, but that hasn't been broken down by region and/or by institution as yet.

I don't have that level of detail that the member is asking for, other than that the overall numbers of nurses have gone up by 62 percent in the last four years, and that was the goal. There are a number of others, and yesterday we did go through all of the different ones that have been added in the supportive field for health as well.

[1615]

**C. Wyse:** I appreciate the information from the minister, but to go back, this is a licensed practical nursing program — significantly different than possibly other conversations that have been taking place.

The need is demonstrated, and it is important to put here into the record that when the two MLAs for the Cariboo sponsored such a meeting around this type of need, IHA did not see fit to send representatives to attend one of those meetings in which that did take place. This correspondence has been forwarded to

various different venues, so I wish to leave the request that the minister does follow up with this item and advise us when he has that detail. I've seen a nod, so I will take that as being the affirmative.

**Hon. M. Coell:** Just to say that I will follow up on that. CNC has received 32 nursing FTEs for '06-07, but I'll get the breakdown as to what type of nursing.

**C. Wyse:** This is the Williams Lake branch, which will be located differently. Thank you.

My final question is with regards to a change in the method of presentation for the apprenticeship program, and possibly an unseen side effect of the modular approach. Out of the TRU campus, formerly the University College of the Cariboo, we've had a very successful apprenticeship program that has met the enrolment and kept instructors in the area for at least 20 years. But on a modular program, and having decreased the amount of time necessary in that type of a setting, it is highly conceivable that the instruction period of time from this 20-year record will no longer be year-long with therefore a loss of the instructors in that environment. What had been full-time employment now becomes approximately halftime.

My question is: what consideration has been given to that possible effect as a result of the change in the modular presentation?

**Hon. M. Coell:** We talked about this a little earlier. It's another one of those issues that basically crosses two ministries. We're supplying the facility, staff and students, and the ITA is funding the program.

I guess for a long period of time many of the colleges were funding the same courses. Some of them were longer; some of them, shorter. In negotiations with the ITA, they've tried to standardize the length of courses so that if someone's applying at one college, they know they can get the same course for the same length of time at another one. There's no reduction in the amount of money going to the colleges from the ITA, but there is a standardization of courses that will have a change in some of the institutions. There's no doubt about that.

[1620]

**C. Wyse:** I appreciate that acknowledgment. That comes back to this situation of the smaller rural communities providing those services over protracted periods of time. The geography, as a result of what may work very well in other communities, potentially means a cancellation of the availability of that program covering the central part of the Cariboo area. So my question, once more, to the minister is: given that type of elaboration, what is his ministry doing to ensure that that isn't the net effect of the standardization that he's referred to across the province?

**Hon. M. Coell:** The intent, actually, is to have more students go through faster. You would be able to.... If, let's say, your course was a year long and it came down

to being half a year, you'd run two courses, and so you'd have more students going through.

I think it actually is important to have some standards as to the length and the content of courses, but it would be worthwhile when the Ministry of Economic Development is up with their estimates for the member to ask the minister the rationale and how they intend to monitor that.

**R. Fleming:** I just wanted to ask the minister what the trend is. What's happening provincially, with enrolment in the residential caretaker programs that our community colleges and university colleges have offered?

If he has any particulars about Camosun College, I'd be particularly interested to know that as well.

**Hon. M. Coell:** My staff actually were out at Camosun a week or so ago talking about these two issues. It looks like it's too early to put a number on it, but both residential care and home support are up this year over last year.

**R. Fleming:** Well, it would be hard not to be up over last year, because I understand that enrolment at Camosun has taken a significant hit in the residential care programs. I'm just wondering provincially, again, to get back to the first question about what the trend is in terms of enrolment growth — or decline, as it has been in previous years.

**Hon. M. Coell:** The member is correct: the trend was down. We feel with the new collective agreement that people will see that as a benefit — increased pay — and that may increase the number of people interested in both the residential care and home support workers. But we're aware of that, and we want to make sure that both of those programs are fully funded, for starters, and that they have a full FTE count in them as well, because they're both important parts of an aging population.

**R. Fleming:** I appreciate the answer, because I think the 15-percent across-the-board wage cut was certainly a powerful advertising tool, if you will, to dissuade people from pursuing that as a career path and, perhaps, with the settlement, to maybe recover some of the wages that were cut — at least part of it — over time, mind you.

I think the government probably has to go out and do some recruiting, because it's my understanding — and perhaps the minister can tell me this — that in order to staff the 5,000 new residential beds that it intends to create, it would probably need several thousand — perhaps 4,000 — staff.

I wonder if the minister could comment on what plan they have in place actually to go out and redress the situation of declining enrolment in this sector and to meet the demand that it intends to create through its residential care bed construction program.

**Hon. M. Coell:** I appreciate the question. Both the Minister of Health and I have had a number of meet-

ings with our senior staff just to address that issue. It's very important, as you look at the 5,000 new long-term care beds. Even some of the assisted living component to that will need staff. We're aware of that and are working on it.

**C. Wyse:** Thank you, Chair, and through you, on behalf of this side, we'd like to acknowledge the minister and his staff for the time given to answer our questions. That would finish it from this side.

Vote 11: ministry operations, \$1,981,707,000 — approved.

**The Chair:** Committee A will now stand recessed for five minutes.

The committee recessed from 4:25 p.m. to 4:37 p.m.

[V. Roddick in the chair.]

ESTIMATES: MINISTRY OF  
COMMUNITY SERVICES AND  
MINISTER RESPONSIBLE FOR  
SENIORS' AND WOMEN'S ISSUES

On Vote 21: ministry operations, \$236,621,000.

**Hon. I. Chong:** Hon. Chair, if I may, I'll begin today's estimates debate, in particular Ministry of Community Services.

I'd like to start by recognizing, first of all, a number of staff who are with me here today. To my right: Sheila Wynn is the deputy minister. To my left: Dale Wall, assistant deputy minister for local government. Also, behind us I have Barbara Walman, Assistant Deputy Minister of Seniors' and Women's Issues and Community Services. Also behind me is Mr. Jim MacAulay, director of finance and administrative services. They are here today to provide additional information for questions that members opposite may have.

I would also like to begin by offering my thanks to the opposition critic, the member for Columbia River-Revelstoke, for having provided us with a list of items they would like to canvass with the ministry. Certainly, it makes the debates more thorough and also more organized in terms of having staff here to provide clarification. I do appreciate him for his work in organizing these estimates with his colleagues to ensure that the minimal amount of disruption occurs in ministry offices and that everyone can still work around their tasks while the estimates are taking place.

I want to begin by saying I am very pleased to rise to present the estimates for the year 2006-2007. It certainly was an honour for me when I was first appointed as the Minister of Community Services and the Minister Responsible for Seniors' and Women's Issues and, as well, the minister responsible for the Public Service Agency.

It's not even a whole year since the appointment last June. It seems like I've been here for a long time, and I'm sure the critic has also felt he is perhaps getting to know this ministry a lot more. Over the next number of years, I'm sure he will be very, very familiar with it. It's one of the wonderful opportunities you have. Whether you're in government or in opposition, you do learn in detail a particular ministry, especially if you stay as that particular critic or even that minister staying in that particular portfolio.

I am very proud to carry on the transformation that the Ministry of Community Services has undergone over the past four years to one that now facilitates the most effective and efficient delivery of programs and services for British Columbians. The key areas I oversee in the Ministry of Community Services include local government, regional districts and municipalities — some people still ask what local government implies — and women's and seniors' issues.

[1640]

In the area of local government we have worked hard to forge proactive, cooperative and genuine partnerships with municipalities, regional districts and the Union of B.C. Municipalities, because local governments are most closely connected to the needs of communities. We firmly believe in local autonomy and decision-making.

I know from my experience — as well as the member opposite, the critic — that we have gained invaluable experience in the local government arena. We have most recently backed this up with a variety of new funding partnerships with UBCM, most particularly and most recently an \$80 million B.C. community water improvement program.

Of course, we all know about the historic new deal for municipalities. The new deal will see \$635 million in federal gas tax revenues flow back to municipalities directly through UBCM. This is an unprecedented funding arrangement, one that was first brokered right here in British Columbia and marks a new relationship among the three orders of government.

As the Minister Responsible for Seniors' and Women's Issues, I am working with my colleagues to ensure that women from all backgrounds have the opportunity to reach their greatest potential. Since we last met in this particular forum, we've undertaken several new and exciting projects.

We've provided new funding for women fleeing domestic violence, especially those most at risk and those who are least likely to report abuse — aboriginal women, immigrant women, visible minority women and older women. At the same time, we're supporting women through a mentorship program to enter or re-enter the workforce so that they may participate fully in British Columbia's economic renaissance.

Of course, through the Premier's Council on Aging and Seniors Issues, we're embarking on a long-term plan to ensure that seniors are fulfilled and are the productive contributors to society they want to be and can be. Through all these endeavours, our approach is consistent: to collaboratively and cooperatively work

with all our stakeholders, agencies, community and government partners to be a facilitator and problem solver.

As the minister responsible for British Columbia's Public Service Agency, I am also responsible as the lead agency for HR management services in government. I am really proud to be the minister responsible for that agency, the PSA, because I know and truly believe that public servants provide valuable and important services to British Columbians every day.

I was very pleased not too long ago to attend the Premier's innovation and excellence awards here in Victoria. We saw so many projects initiated from various ministries and agencies that showed not only their commitment and dedication to British Columbians around the province but were able to bring forth new ideas and be innovative and creative in how they can excel in their areas of endeavour.

I'm sure it was very hard for the judges or the panels to make decisions as to who should be the recipients of those particular awards. I can tell you, Madam Chair and members opposite, that it was a very significant evening. I think we have to continue to show the rest of British Columbians what our public servants do for us each and every day.

I certainly know the support I receive from the ministry staff in my area of responsibility, and I certainly could not do this job without their constant support and their commitment and dedication. This government does want British Columbians to know about these achievements the public servants provide.

We also want British Columbians to know that the public service is a great place to work and to grow a career. We believe that working for the government offers our employees extensive training opportunities as well as the personal satisfaction of contributing to their communities and to the province as a whole. To make sure we have the best and brightest employees, we are enthusiastically confronting the challenges and opportunities presented by an aging workforce and increasing the competition from the private sector for talented employees.

Madam Chair, that summarizes in brief a number of the areas of responsibility we have. I'm sure that as we canvass the estimates, we will find even more fully just how we touch so many lives of so many British Columbians around the province. I would be very pleased now to entertain any questions from my colleagues opposite.

[1645]

**N. Macdonald:** Madam Chair, thank you very much for the opportunity to canvass the minister. I welcome the opportunity to again see staff from the ministry. It doesn't seem that long ago that we were here, and I look forward to the opportunity to ask questions.

We'll begin with some of the financial aspects laid out in the service plan. This year's budget states that operating expenses for local government is \$181 million. Could the minister please break down some of these expenditures, and in particular, how much of this

money is dedicated to the operating expenses of the ministry itself?

**Hon. I. Chong:** For the benefit of the member, the amount of \$181 million is broken up in.... I'll just give, perhaps, the categories. That makes a bit more sense. In terms of grants to small communities, protection, traffic fine revenue sharing and regional district grants, that totals approximately \$84.25 million. Infrastructure programs include things like the Canada-B.C. infrastructure program; local government grants programs; the B.C. community water improvement program, which I spoke about in my introductory remarks; the municipal infrastructure fund; and B.C. infrastructure planning. That totals just over \$55.2 million.

The Peace River Fair Share is a program, as well, and that's \$21 million. Other local government transfers amount to about \$4.1 million. We have a local government structure grant program, and \$1 million is there. The local government administration operating cost expenses of our ministry are \$6.8 million, so that is local government services and transfers. That totals about \$171 million.

The other \$10 million relates to the University Endowment Lands. Approximately \$5 million includes things such as planning, land use regulation, building regulation. It's in the ministry expenditures, but that amount is recovered. While the amount comes in, we do recover it from the University Endowment Lands. Then, as well, there is statutory appropriation for about another \$4.6 million. That makes up the total of the \$181 million the member will see in his blue book.

**N. Macdonald:** Is the money that is being spent to implement the 2010 Winter Games inner-city inclusive commitments something that's included within the \$181 million, or am I misreading that?

**Hon. I. Chong:** I'm just wanting a bit more clarification from the member. Is he specifically referring to a segment of the 2010 agreement or the Games, or is he saying overall...? The Olympics rest with the Minister of Economic Development. That's his area of responsibility. I would just perhaps ask the member if he can be more specific as to what he is asking in terms of what this ministry may or may not be involved in, in terms of the funding.

[1650]

**N. Macdonald:** There are a few things the ministry may have connection with, but the money may not be flowing through. It sounds like this is one of the programs that would be funded by a different ministry. What I'll do is just go through a number that I had questions with. It's possible that they all are from different ministries.

The community transition program, in particular to deal with the mountain pine beetle. It's possible that flows through a different ministry. I also had questions about money dedicated to the World Urban Forum and whether that was something that flows through this

ministry. I also had questions about the new urban development agreements and, as well, a further question as to the status of the Victoria urban development agreement, which is a slightly different question but one that we can perhaps give to you at this time and get an answer.

**Hon. I. Chong:** I thank the member for his clarification. Perhaps it would be best to also state at the very beginning that while he was asking for the financial data, the areas he wanted to canvass, I thought we were going to talk specifically about local governments, which is where the \$181 million.... Some of these areas he's referring to have to deal with other parts of the ministry as a whole in, as I expressed, the \$236 million vote.

In terms of the community transition, there is \$1.1 million that we have allocated in our ministry for that. Specifically for the pine beetle, the lead minister is Minister of Forests and Range and Minister Responsible for Housing. He is the lead minister coordinating that.

We work with that ministry to determine some of the needs in the various communities and to ensure that in addressing economic development, revitalization and things like that, we can show where there might be some financial pressures or where there might be some supports in terms of human resources and management in that area. We have staff who also provide support towards that, so it may not appear as an actual line item or cost for that particular item, but we do supply staff support in that area.

The World Urban Forum was not an amount that was specifically dedicated in terms of our budget '06-07 going forward, but last year, in our '05-06 budget year, we were able to allocate approximately \$300,000 towards that. About \$250,000 was initially to support an earth summit, I believe, and another \$50,000 for youth to be able to attend that.

It's going to be an amazing forum when it comes to Vancouver — Canada being chosen as the destination for the World Urban Forum and British Columbia being able to host it — and will bring in 8,000 to 10,000 registrants and participants. We'll have world leaders, not just from across our country, and global leaders arriving on our doorstep, and we have a chance to showcase what British Columbia has to offer. That will be an exciting time. I expect that the federal government will be very much involved. As I say, it is not considered British Columbia's World Urban Forum, but certainly Canada's, with British Columbia being the host province for it.

[1655]

The member mentioned a new urban development agreement. I'm not sure if he means the existing urban development agreements, such as the Vancouver agreement, which is in its own category, shall we say. We did have accrued last year an additional \$2.5 million toward that. In terms of new urban development agreements, as was Canada's last session, these are very much still in the discussion phase, especially with the new federal government that is in place.

The new ministers are certainly being brought up to date on this, so we haven't finalized any details. The Victoria urban development agreement, in particular, has been the one that has progressed the furthest along, but at the same time, it's not yet ready to sign. Until you have some document you can sign, or an agreement or partnership, it's still a bit premature to go to the federal government and say: "Here it is."

Again, we're not sure what their commitment will be, but we have been very much in discussion with them. They know these are agreements that have been initiated at the local government levels, and I know they are very interested to see how they take shape here in British Columbia. I hope that provides a bit more clarification for the member.

**N. Macdonald:** Thank you for the answer. Some of the other ministries have media relations now associated with the ministry. Does this ministry have any media relations they need to pay for out of the ministry?

**Hon. I. Chong:** The amount the ministry has allocated, which I think the member is referring to.... If you look at the blue book at STOB 67, and I was just getting that information from staff, it's for non-statutory advertising. I presume that's what he's referring to. It's not a large amount: \$140,000 is what we've allocated.

**N. Macdonald:** With the New Deal for Cities and Communities, just a question: has the \$635 million in New Deal funding been distributed to municipalities yet? What stage is that at?

**Hon. I. Chong:** As the member may recall, this is a five-year arrangement, and the moneys will come in over the five years. It came in with a small amount last year. It was brought by the former minister responsible, Minister Godfrey, with, I believe, a \$22 million amount. Over the next number of years it will gradually increase, and it will amount to the \$635 million. As the member is aware, it will be up to the UBCM to distribute those dollars.

At this point I don't know how much has actually gone out to every municipality, because UBCM is certainly entitled to make that distribution. For this year's amount, for '06-07, of the \$635 million there will be \$76 million that UBCM receives in its account. Then they will make the distribution according to the population base — as the member is aware, in some cases, as a straight per-capita amount.

In many areas or regions, there is a sharing of the dollars on the per capita based on 75 cents of that dollar going to the particular municipality. The other 25 cents goes to a pooled amount, which then is distributed based on applications that come forward. As the member is also aware, there are some small communities that cannot undertake large projects that benefit a region. That is one of the reasons why a pooling of these dollars was determined.

Collectively and collaboratively and cooperatively, a number of the cities and the regions understand the necessity to have a larger project. This is why they agreed to the pooling. If the member is looking for more details as to who has received those dollars, we can get that information. I think it would be easier just to contact UBCM and see how they have distributed those dollars.

[1700]

**N. Macdonald:** There was some discussion with TransLink. The Greater Vancouver regional district, I think, had talked about TransLink receiving some of the New Deal money. Is that something you would be aware of, or is that something the UBCM would be dealing with?

**Hon. I. Chong:** I'm a numbers person, and I hope the member opposite can appreciate that I like to have the numbers add up.

As I indicated, the \$76 million we are going to be receiving in the '06-07 year.... In '05-06 we also received \$76 million. For the first instalment of \$76 million, approximately \$23 million has been released through the non-pooled amount, and \$36 million has been allocated to the Greater Vancouver Transportation Authority for their transit investments. That would make \$59 million. The balance of \$17 million is still sitting in the pooled account, which I was clarifying at very beginning — with the UBCM account. That will be distributed based on the applications they receive from the particular regions.

**N. Macdonald:** Now, the commitment from the federal government. With the change in government, there's no indication at all that any of the commitments are going to change? These are solid commitments that will continue?

**Hon. I. Chong:** Yes.

**N. Macdonald:** Just moving to a slightly different topic — well, to a completely different topic, actually — around autonomy. The minister will be aware of the comments of the Minister of Forests and Range made at the Council of Forest Industries meeting. The convention was in Kelowna, I think, and it was several weeks ago. I'm not sure if it was Kelowna, but it was several weeks ago.

Basically, it was around small resource-dependent communities. I think the comment was that they were dining out on property tax collected from industrial property. It was suggested that the government was considering restricting local governments' right to tax property.

The question is to the minister. I know that in the speeches I've heard.... I know that you are committed to local autonomy, so the question I would have is around that suggestion. Has the minister had discussions with other ministers, municipalities, organizations around restricting local governments' right to tax in any way?



[1705]

**Hon. I. Chong:** As the member and I have both been involved in local governments, we know the difficulty that comes during fiscal budget times, where we're struggling to see what kinds of services we want for our municipalities or our regional district areas. It's always difficult, because you want to keep the tax rates as low as possible, especially for your residential rate-payers. If you are an entirely residential community, then you may not have any difficulties, because you base it every year on your residential properties.

Towns or communities that have a rather large base that the municipality depends on, on an industrial base, are going through some difficulties if they're dealing with a particular industry that they are dependent on that provides a large portion of the municipal tax base. I think it is fair to say that in some areas the municipal tax rates are high when you compare them even from jurisdiction to jurisdiction within the province versus comparing them to other provincial jurisdictions.

I can say that I am aware of the comments that have been made from a number of people. The B.C. Competition Council, in particular, has made the observation about municipal tax rates that are particularly high in some particular sectors. The B.C. Competition Council was designed to take a look at ways to encourage investment, particularly for British Columbia. We are going through some rather good economic times. We want to be able to continue to do so, so that we have the financial resources to sustain a number of the social programs that everyone wants to have sustained. The observation made by the B.C. Competition Council was that tax rates can, in fact, be a serious disincentive to investment. It's an important observation, so I just want to make that statement.

At this time I think it's important that we know, as well, that it's important that British Columbia is competitive in many ways, in terms of our regulations and in terms of our taxes. The Ministry of Finance certainly will want to be engaged in talking about any possibility of changes to any particular taxes as a whole. From my perspective, I intend to consult with and work with UBCM to try to find ways to address this issue, because we have seen a number of towns, a number of communities that have undergone a rather difficult period when they had that heavy reliance on a particular industrial sector.

We want our municipalities to be healthy in many ways, financially as well, so they can provide the appropriate services for citizens, but I think it is early to speculate on what may or may not occur.

As a government, we will continue to find ways to ensure that our small communities, as well, can continue to look at opportunities. It was for that reason last year at UBCM that the Premier announced the doubling of the small community protection grant — again, another good measure to give our small communities an opportunity to continue to do some planning.

Our commitment, as well, in terms of traffic fine revenue sharing — 100 percent being returned — has

not changed. As traffic fine revenues have, interestingly enough, gone up, those dollar amounts have been transferred to those municipalities.

I think that in the context of a number of financial resources being provided to municipalities, we will continue to work with them. They will continue to have a voice. Through me and our ministry, we will continue to represent their views as to what they think are some of the solutions and opportunities that are out there to meet some of the challenges that I know some may be facing.

**N. Macdonald:** On this point, I know that the minister's belief in autonomy is sincere. From '93 through to, I guess, '99, when I would attend the UBCM, I would hear the current Premier speak again and again about local government being a third and completely independent level of government. I believe that that was a sincere belief.

The challenge, I think, for the minister will be that within cabinet there are going to be a range of views. I just want to reinforce the view that I'm sure you share. You have an autonomous level of government, even though constitutionally it is within the province's ability to make rules for them.

[1710]

Nevertheless, the whole language that this government has used around local government has been that they are essentially autonomous. As recently as March 30 the Minister of Economic Development spoke about his views on local government. It was really clear — I won't read it to you — just about their independence, their ability to make their own decisions.

Rather than just read quotes, because I know we all say those things... Nevertheless, it is a fundamental point. If local government is making its own decisions and is responsible for those decisions, whether the rates that they are charging their industrial properties are too high or too low.... They are either autonomous and responsible for making those decisions, or they are not.

It's very difficult to have it both ways: for the province to say that this level of government is autonomous and then to move in and make decisions for them. You simply cannot do it, and I know that's a conversation that will need to take place in cabinet. I guess I would just ask the minister: does she accept the point that it would be very difficult to say that they are completely autonomous and yet at the same time step in and make any changes to restrict the way that they would tax an industrial area?

**Hon. I. Chong:** I appreciate the member opposite's comments, and I think it's important when we talk about local government's autonomy to also add a couple of other subjective words or descriptive words that are applied. They are a responsible and an accountable order of government as well. We both certainly knew that when we were on local government. We had to be responsible to our taxpayers — otherwise, three years later we wouldn't be there to represent them — and accountable as to how we spent those dollars.

As the member indicates, we certainly respect the fact that our local governments can make decisions to do that and set their tax rates, if this is the line of questioning he wants to go with. But at the same time, we know that if the local governments do so without accepting some accountability and responsibility for what the outcomes may be, then they will very likely come back to the provincial government or the federal government seeking assistance or seeking a remedy.

When we have these discussions.... I think it's important we know that we're partners in this discussion. I would just put that to the member. I would hope we would engage in a good dialogue with members of the UBCM. We know that this observation that the B.C. Competition Council has put out is one that is important. We need to talk about it. Burying our heads in the sand won't change the fact that we are going to have some communities that are going to face some financial challenges, and we all have to ensure that the province as a whole continues to prosper economically, and that every region does, and that we have an opportunity to dialogue and talk about that.

At the same time, as I say, we expect to continue to dialogue through UBCM to the municipalities to see what kinds of remedies or what kinds of solutions they might want to put forward or how they might want to address that, because the last thing I think any of us wants is to see a number of municipalities act in isolation to the extent that they will come back to the province or to a senior level — another senior level being the federal government — and find themselves in a situation where they cannot provide services to their citizens. As I say, they are a responsible and accountable order of government.

**N. Macdonald:** On this point — I don't think this is the place to debate it, necessarily, but I would feel strongly.... I think the minister has similar feelings around autonomy, and that's a discussion we will have, probably at a different point, if the government decides to go in that direction.

I do have just one more question to finish up with this topic, which is: at what stage has this discussion taken place? Before the Minister of Forests and Range made that statement, had he entered into discussions with other ministries, including yours? Have you met with representatives of municipalities that...? Have you had discussions with the UBCM on this topic? What sort of stage have you moved to?

[1715]

The report came down two weeks ago, so you perhaps were aware, even ahead of then, what sorts of things were being talked about — so just a sense of where we are in the discussions that would have to take place before government would move ahead with something as radically different from what you would expect to have happen, given the sorts of statements that have been made over time by important members of the cabinet.

**Hon. I. Chong:** To their credit, I think municipalities have been thinking about the whole area of tax-

tion for a number of years, which is one of the reasons why I suspect it was very timely when the Premier announced the Competition Council coming together and coming forward and being able to have a review and make the observations they've made as well.

I think the discussion has been taking place over the last number of years, especially as we've seen the economy change around us — even from heavy industrial economies to some knowledge-based industries that have now shown up around the province as new technology has come about. I don't think this is anything new in the sense that local government, elected officials, aren't aware that they need to take a look at the property tax and taxation issues in their communities.

What I can say is I know that when the report came out a number of weeks ago, I did get a very brief summary of it. I haven't had a chance to review it totally. I haven't had a chance to meet with the UBCM executives specifically in that area. I've had regular meetings with UBCM executives. They call them every few months. I usually expect that they have an agenda, and they want to address issues. At the time I last met with them, which was in February, I believe, the report had not come down, so it wasn't a matter that we discussed.

I imagine that in another meeting they might want to discuss this and perhaps set the stage as to what kind of dialogue we may wish to have. I'd be very happy to entertain a forum or some avenue by which we can discuss any of these concerns they have. They may wish to take this out in a different place, or they may want to have other kinds of venues to discuss this.

I think it's fair to say it's on the minds of many of our locally elected politicians, especially having gone through an election last November. I think many of them were there looking to see.... They wanted to have some say and some influence over how their community is run and how the taxation issues affected their neighbours and their families.

I think, again, it's a bit premature to conclude where we are, where we're going. I think it's fair to say, though, that there will be ample opportunity to have the discussion. At the end of the day, we want to have a solution that sufficient members agree on. I don't expect we'll have 100-percent agreement around the province, with 183 municipalities and 27 regional districts.

I don't expect that everyone will come to terms with what may or may not occur, but I think we will have a healthy debate regardless and, at end of the day, one that I believe is going to ensure that we have a very strong province and a very strong economy.

**N. Macdonald:** We'll move from this topic, but I'll just finish, and then if you want to comment on what I say.... We're going to have this discussion, probably in more detail, as time goes on.

You know that my experience was as a mayor of a small industrial community. In general, I thought we always got it right in terms of taxation. An awful lot of

people as you walk around the street never think you quite get it right. I do believe in the autonomy and the ability of local government to make those decisions, and we always had a good relationship with our industrial tax base. They probably always want to pay a little less than they're paying. Nevertheless, there's a social contract that people understand and is important in these smaller communities.

Like I say, we'll probably come back and have that discussion. The issue of autonomy and true autonomy for local government is an important one. I would hope that the minister within cabinet, as the champion for that point of view.... I wish her the best of luck on pushing that agenda.

[1720]

To move on to the other act that touches on autonomy, the Significant Projects Streamlining Act, I know this is one that has a history. We touched upon it somewhat in the first session. The fact that it has not been used yet is one of the reasons I think it hasn't been highlighted very much since its inception.

I would raise it again, because it's something that brings questions from local governments and touches very much on the autonomy of local government. The question I would have for you: have you had any conversations with ministries, organizations or municipalities about the possibility of using the streamlining act? Is there any possibility in the next year or two that this act is actually going to be used?

**Hon. I. Chong:** The member is quite right. The act that was brought in was designed to ensure that local governments were aware that should there be significant projects, we needed to have an opportunity to ensure that streamlining was available to occur so that the provincial interest could be met.

It hasn't been used since its inception. I have not heard that its use is necessary at this point, but to suggest that it can or won't or may be would really be speculative on my part. I want to also say to the member, to assure him, that I would agree with him that it's important that our local governments are given the autonomy to have the services and programs in place for their communities.

Again, I would not use that in isolation of the fact that they are also responsible and accountable to their taxpayers, who sometimes think their local governments may not be acting in their best interests. Then I get letters from local citizens coming directly to me. I think it's important we ensure that when we talk about their opportunity or their right to be autonomous, it also requires the right to be responsible and accountable.

What I hear from local governments, too, though, is that they want to have not just.... I hear very few of them wanting to just be a community of homes. They want businesses in their communities. They want industry in their communities, because that creates jobs for their young people so that they'll stay. That then allows them to have their recreation facilities, the municipal services that they want, their policing, their protection, their fire, water, sewers — all these kinds of things.

Local governments certainly want to have all the opportunities to build their communities. We want them to have that, so we will continue to ensure that they have that opportunity. At the same time, if a provincial matter needs to be looked at, we would work with them to see how that would be, but I haven't heard of Bill 75 being used.

**N. Macdonald:** Just to clarify, no ministry, no organization has been in conversation with you suggesting that one of the things they may want to see used is the Significant Projects Streamlining Act. There has been no approach to the ministry at all asking for this to be considered.

**Hon. I. Chong:** I just wanted to seek some clarification. This particular legislation, when it was introduced, was introduced by the Minister of State for Deregulation, who is currently the Minister of Transportation. The responsibility for this piece of legislation originally came through that minister, so it is not a piece of legislation I have total responsibility for. If changes were to be made, I believe the Minister of Transportation would be sponsoring any changes to that legislation or anything of that nature.

[1725]

The fact that it's a piece of legislation that's out there means that if someone needed to exercise or use the sections of it, it would be there for that. Our ministry in particular has not received — I've just checked with staff — any calls in regards to that. I hope that's sufficient for the member.

**N. Macdonald:** The question that often comes up is just around.... While it's not, perhaps, legislation that you're responsible for, nevertheless, with your job as the spokesperson within cabinet, within government, for local government.... It's certainly local government that has the biggest issue with this particular piece of legislation, and it would probably come to the minister first if they had an issue.

Under what circumstances would the government be willing to use the Significant Projects Streamlining Act? Have you had conversations around what limitations you would put on it? Is it something that would be used only in the most extreme circumstances? Can you foresee any possibility of it being used on land use issues, for instance?

One question that came to me from my area was around Jumbo Glacier Resort. The resort is being dealt with through a zoning process that the regional district controls. Is it a possibility that would be something the Significant Projects Streamlining Act would deal with?

**The Chair:** Member, I would just like to read into the record that, really, legislation is not a proper subject for the Committee of Supply. In fact, only the administrative action of a department is open to debate. I just wanted to clarify that. Thank you.

Minister.

**Hon. I. Chong:** Hon. Chair, thank you for your direction.

I think it might be helpful to provide the member with some of the, I guess, draft guidelines and principles regarding whether projects are considered eligible for designation as a significant project. We would be looking at the importance of the economic, social or environmental well-being of the province when we're looking at a particular project, and we would need to take a look at the impacts and benefits that extend beyond the project's location in particular. It would also be ensuring that, to be eligible for a designation, it would have to contribute to the furtherance of the province's key economic development interests and, also, towards enhancing competitiveness.

These were the principles under which, I think, the legislation was originally drafted and intended, and it provided the kind of language to ensure that people and, in particular, local governments understood that should there be a project eligible for designation, these were the guidelines that would be adhered to. Again, at this time we've not heard that there have been any items or projects that have come under those particular guidelines.

[H. Bloy in the chair.]

**N. Macdonald:** My purpose was not to re-debate the Significant Projects Streamlining Act, but as the minister mentioned in her first statement, this is, of course, something that, if you've been in local government, you agree with and feel strongly about: the principle of autonomy. Those two issues are the things that have been raised with me — the first one around the possibility of restricting communities' ability to tax. That's an issue that has been raised and that we will debate as well.

The other sensitivity is around the possible use of the Significant Projects Streamlining Act. There are still very strong feelings around that. As you say, within the service plan, the commitment of this ministry to the independence of that local government is something that, certainly, local government feels strongly about and supports statements. Just to reinforce, it's important that those statements are consistent with actions.

[1730]

Something that's somewhat touching on autonomy as well is just around TransLink. The Minister of Transportation has recently initiated a review process of TransLink's governance structure. Where does the minister stand on local autonomy there? Should local government continue to control those local transportation decisions? How are you involved in the process to push for the interests of local government?

**Hon. I. Chong:** Thank you, hon. Chair, and welcome to the estimates debate.

I just want to say that while the issues that he's raised in terms of taxation, in terms of the project legislation.... While these are important to local governments, they also know — I would hope that they'd

know — that to be autonomous does not mean that they would be entirely independent from the rest of the province, because that would not serve the entire community well.

I hear the bells ringing, but let me just conclude on this so that we are able to come back. I won't make anyone late; I promise.

In terms of the TransLink governance review, I think it's an important area. It is the area of responsibility of the Minister of Transportation, and I think for me to comment would be inappropriate because I haven't all the mechanisms under which he is acting to ensure that this governance review takes place. I hope he can canvass that with the Minister of Transportation.

**The Chair:** Noting the time, I will call a recess until 6:45 p.m. as there's a division and a vote in the other House.

The committee recessed from 5:32 p.m. to 6:48 p.m.

[R. Cantelon in the chair.]

On Vote 21 (*continued*).

**M. Sather:** Hon. Chair, I'm really pleased to have this opportunity to ask the minister some questions about a really significant issue in Maple Ridge. Maple Ridge, of course, is an area of expansion. We're on the edge of a huge metropolitan area, so there's a lot of controversy around land use issues in our area.

Most recently — although it's not particularly new, but it has come to the fore recently — it's around the livable region strategic plan and the fact that Maple Ridge.... Part of the LRSP is the designation of a green zone as part of that process. In Maple Ridge, the council of the day placed all lands in the agricultural land reserve also within the green zone in Maple Ridge.

If one looks back through the minutes of council meetings of the day, they were very aware of what they were doing at that time. It has been said that they weren't, and they clearly were. In any event, of course the whole idea is about managing growth, but it has become a bit of an area of consternation for some.

I know the minister met not long ago with the mayor of Maple Ridge and a couple of councillors and some staff. As a result of that, there has been some lack of understanding or miscommunication or confusion about what information was received from the minister at that time. The question being put, as I understand it — and I think this is clear to the minister — is about amending the green zone, because those that are wanting to develop the land that's in the agricultural land reserve may have been excluded from the agricultural land reserve, but it's still in the green zone. I've been talking about that process to the minister.

[1850]

I'm wondering if the minister could clarify for me the discussions that took place and what direction she and her staff may have given.

**Hon. I. Chong:** He is correct. I have had a meeting with his mayor. As he would know, as everyone would know, it's a constant flow of mayors and councillors that come through the door in my office. That's fine, because that's what we're there for — to provide direction and advice, sometimes an interpretation of legislation or other particular bylaws and changes such as that.

In essence, the discussion that we had was about the land use planning, things of that nature. As the member is probably familiar with, in many municipalities official community plans are in place, and generally you abide by that. In this particular area, the green zone and how that came about was discussed.

What we essentially did was listen to what the mayor had to say, clarified that these were set by the Greater Vancouver regional district, the GVRD, and said that if there is a desire for change, there is a process for how that can take place. GVRD would have to take a look and refer it to all the member municipalities that are involved in that.

Also, if necessary, there is always a dispute resolution process that would come into play, should there not be consensus or should there need to be some facilitation in order to make any changes. If for some reason any member municipality wanted to make a change and it was unanimous, then that's pretty much how they can pass a motion in that respect. But if there isn't that kind of unanimity, then, as I say, a dispute resolution process is available.

That's essentially the tone of the discussion that we had — just to provide background information as to what can or cannot take place. We always offer, when we meet with municipal officials, if there's a way that we can assist them, as I say, in interpreting legislation, in interpreting their authority or powers or responsibilities. If staff is able to provide any kind of assistance from the ministry level, we always make that offer to them as well.

**M. Sather:** I thank the minister, and I think that's helping to clarify some of the issues for me. The understanding certainly has always been that in order to put in an amending formula, in order to take land out of the green zone, it would require unanimity, as the minister has indicated, of all members of the GVRD. It's being said now that that in fact was not the information that was given and that it would perhaps only require reference to municipalities that had an interest, such as our neighbouring municipalities — Pitt Meadows on one side and Mission on the other.

The process, then, as I understand it, is that if a municipality wants to remove land from the green zone, they would make an application to the GVRD. Let's suppose the GVRD doesn't vote unanimously in favour of the proposal that the municipality — in this case Maple Ridge — is putting forward. The minister mentioned that there is a dispute resolution mechanism, and I wonder if she could say a bit more about what that mechanism is.

**Hon. I. Chong:** In order to clarify, I had said that should changes be necessary if the GVRD was dealing with a motion, if it was unanimous, it certainly makes it that much easier. But I wasn't suggesting that unanimous consent was a requirement for any changes.

[1855]

In this particular instance, where you're talking about this livable region strategy and the green zone.... The GVRD board can in fact discuss a matter and vote on it. The vote would then be carried by a majority of members as to whether any changes are necessary or are desirous or even wanting to move forward. If that vote at the GVRD is such that a majority agree that it's worthy of consideration, they would have to refer it to all the member municipalities. All the member municipalities have an opportunity either to support that or to object to that.

In that particular case, when that occurs, our ministry can assist in a facilitative manner to provide some facilitation. Further, if it requires even more assistance, we would move to either mediation or an arbitration process.

If a request is made, it would go to the GVRD, firstly, for a vote. Then if the majority of members on the GVRD say, "Yes, we want to make changes," then all member municipalities would be entitled to offer their opinions on that particular change. Again, it's difficult to speculate as to what would be the next step in terms of the dispute resolution process, but there certainly is a mechanism in place that we would try to help by facilitating. Ultimately, it could go to a mediation or arbitration.

**M. Sather:** I am a little bit more confused again, because the minister had mentioned a while ago that there was a requirement for unanimity. So could you explain again, then, where that requirement for unanimity comes in. What I heard you say was that if the municipality took it to the GVRD, it would depend on whether the majority of the board wanted to make a change. So there's not unanimity in that.

Then if they decide that they want to make a change and they send it back to the member municipalities — there needn't be unanimity there either, the way I heard it. So I'm not quite clear about the unanimity thing now.

**Hon. I. Chong:** When I attempted to answer in the first instance, I just was trying to suggest that, as in any case, if a council votes unanimously on any decision, then things are pretty well straightforward — but not to suggest that unanimity was required in this particular case.

[1900]

If, in fact, a requirement or a request to make a change.... The GVRD would have to put forward that motion, and the motion has to pass by at least a majority of the people to then say that the matter has to be referred to all the member municipalities. If the GVRD did not want to entertain the motion and it didn't get

past that level, then the motion wouldn't carry to forward information to all the member municipalities. So that's where that happens.

If a motion was placed and the decision was to refer it to the member municipalities, they all have an opportunity to present their views — objections or support. No one member municipality has an absolute veto on the decisions that are made. What can occur, though, is that member municipalities that have strong support or strong opposition to it — but, in particular, strong opposition — may wish for more information and more ability to debate the matter, which is one of the reasons why we can move it to a dispute resolution process.

This is where we would have some facilitators involved and, ultimately, mediation or arbitration. The purpose of that is to ensure that perhaps those member municipalities that may be most affected by any proposed changes have an opportunity to present their views in a different forum than those who may be less affected or who may not have an interest, in particular. So that's the process that can take place.

I want to also just advise the member that this was legislation brought in, in 1995, as I understand it, by the former Minister of Municipal Affairs — I think it was Minister Darlene Marzari — and that legislation, since it was brought in 11 years ago, has not changed. This process has been in place for that entire time.

**M. Sather:** I think I'm getting the picture more clearly now. The dispute resolution part of it... First of all, the GVRD board decides they want to proceed with this idea. Then municipalities have their say, and presumably, it's not unanimous, and there's some inability to come to agreement on that. Then it goes to a dispute resolution mechanism.

First of all, what does the dispute resolution mechanism look like? Is it one person? Is it a group of people at that stage, and who would choose them?

**Hon. I. Chong:** I wanted to get as much clarification for the member, because I don't know if this has happened that often in the past. I haven't been made familiar that it has occurred that often.

[1905]

Being specific to the issues that he's concerned about, what would occur is that if the GVRD had voted on a motion to look at a possible proposal or change, they would refer it to all the member municipalities. For the member municipalities who support it, there obviously wouldn't be an issue. Those who would object to it, therefore, would be objecting to the fact that the motion came from the GVRD board, that it be referred to the member municipalities. That is one of the reasons why there would be a dispute resolution process in place between the objections raised by that member municipality and the GVRD as a result of their motion to send it out to the member municipalities.

In that particular case, then our ministry would appoint a facilitator — generally, one person — to see if there were issues that could be resolved or clarification

that could be provided. As well, if we had to go further and have some mediation, our ministry would also be involved in appointing that.

A further step that could take place is the arbitration process. Again, that person would be appointed. It could be a single person. It could be a panel of peers, and they could be former municipal people who have an understanding of local governments and that, or an arbitration panel. The arbitration panel, mediator or facilitator, depending on what stage it was at, would deal with the objection of that particular member municipality. They would provide that ruling back to the GVRD.

I hope that is the full explanation that I can provide for the member. Again, unless there was something very specific that the member is aware of, maybe we can look into it further for him.

Back to the original question he raised. At the meeting that I had with the mayor, this was explained to him. Staff also went further to provide the mayor and council and staff as to how the legislation was set up and the mechanisms behind it.

**M. Sather:** Well, I think there's not too much doubt that the mayor of Maple Ridge is pretty serious about trying to change the green zone. So if it's at all possible, I would anticipate that he probably will be bringing something forward, if he gets the support of his council to do that.

On the information that the minister the provided so far, then, what I understood the minister to say was that if the member municipalities could object to the GVRD even referring the question to them, then there could be a sort of dispute resolution around that aspect. What if they are okay with the question being referred to them? They're okay having their say about it, if you will. But then, some say that they agree with the proposal to change the green zone, and others say they don't. Is it the same mechanism that you've just described — if I'm on the right track here — that takes place in those circumstances?

[1910]

**Hon. I. Chong:** I just wanted clarification. I thought it would be easier to know whether this has ever occurred, so therefore, I could give an example for the member to follow through or to follow on. I've been advised that this has never happened, so it would be a new opportunity, I guess, or challenge to deal with.

In the case that the member raises, the proposal or the motion that the GVRD passes that they would entertain a possible change indicates that's exactly what they are considering: entertaining a change. Therefore, they have the obligation to send it out to the member municipalities. That is the reason why, if a member municipality had an objection to that, the objection would be based with that member municipality and the GVRD.

Essentially, if the GVRD has by a majority agreed to that, they're obviously.... I shouldn't say obviously. I don't want to presuppose, but they're more in a posi-

tion to say that they would agree with the proposed change that would be made. This is where the member municipalities have that opportunity to have a facilitator or where we could go to arbitration or mediation to assist them in making their case so that when they go back to the GVRD, they can possibly convince the GVRD that while they have sent forward that motion, perhaps it is one that needs further work or further consideration.

We do have a published guide, staff has advised, if that would be of help to this member. Or I could offer that if the member would like to speak to the staff in more detail on this, we can arrange that as well. I think it's interesting to note, though, that we've never gone through that process. Even dealing with other regional districts, I understand the furthest we've ever had to deal with is usually facilitation. We've been able to resolve the issues at that level. So this is why I was just trying to clarify why staff have never gone as far.... We've never gone to that extent, so it still is fairly new for us if we did go to the mediation or arbitration state.

**The Chair:** Member, I'm just going to say that we should move back. We're dealing in the realm of the highly hypothetical. If this has never happened again, then I'd ask you to come back to Vote 21, which is the estimates. But we'll let one more pass if it's brief.

**M. Sather:** I'll make it quick.

I appreciate the minister's offer to get the guide. I'd love to get that, and I'd also love to meet with staff to discuss it in more detail.

One last quick question, though. All this is covered under which legislation? Is it the Local Government Act?

**Hon. I. Chong:** Yes, it would be the Local Government Act.

**N. Macdonald:** Just to keep you jumping from place to place, we'll head back to TransLink for just a few more minutes. Just a question around whether the minister has had any discussion with the Minister of Transportation about the TransLink governance review: is it something you've participated in, or have you had conversations with the minister?

[1915]

**Hon. I. Chong:** His question was whether I'm directly involved with the governance review, and I would say to him that I am not personally, directly involved. What I can say, though, is that my deputy minister is also on a steering committee with the Deputy Minister of Transportation to assist where necessary with the panel that has been put in place to look at the governance review. As the member is aware, the panel consists of Chair Marlene Grinnell, Dan Doyle and Wayne Duzita. I hope I didn't mispronounce his name.

Again, our involvement in terms of our ministry is that the deputy is involved to provide advice, if necessary, on the steering committee to ensure that from the

municipal perspective, if there were any questions in relation to that, we can provide information or advice on that.

**N. Macdonald:** From a municipal perspective, the instructions that you would give your staff around your perspective would be that you believe an appointed TransLink board by government is preferable to a locally elected board? Do you have an opinion on that which you would state and share with your representative there? Or is it something that you get to make a decision on?

**Hon. I. Chong:** No. The purpose of the deputy minister from the Ministry of Community Services being on a steering committee is to provide information or advice as to how.... If there were questions as to what changes might impact municipalities, that would be the advice that we would provide, because from the perspective of how municipal governments work, we would be the ministry that provides that information.

It is an independent panel that is reviewing the governance models. This independent panel would, as I say, have their discussions, their dialogue, their deliberations, but should they need information as to how the Local Government Act or the Community Charter works, this is where our deputy is available to provide that information as part of the steering committee. I am also of the understanding that it's just beginning — that this process is just starting to take place. So I don't believe there has been much requirement from our deputy so far to provide any information or advice to the panel.

**N. Macdonald:** Maybe just to finish off with this: is there a position that you have, then, that ultimately, it will be a political decision? Is your position that you would prefer a locally elected board, or do you think that it serves the public better to have a provincially appointed board to oversee TransLink? What's the rationale for either of the two decisions or positions?

**Hon. I. Chong:** I think it would be important to allow the panel to do its work. It was appointed by the Minister of Transportation to do the governance review. At the end, whatever conclusions or recommendations that they come to, then certainly, we would be happy to see that. But ultimately, this is a decision that the Ministry of Transportation put in place. I think if the member requires more than that, I would ask that he refer those kinds of questions to the Minister of Transportation.

**N. Macdonald:** As a further test of your flexibility here, we're going to turn it over to my colleague here for a few minutes to talk about an issue that I'm sure you're familiar with, and he's going to make you aware of. Thank you very much.

**J. Horgan:** I think the critic's selection of the word "flexibility" might have been apt in this instance.

It's a pleasure to be here in the estimates of the Ministry of Community Services. I had taken the opportunity to speak with staff prior to tonight, and I had expressed the view that I would be harsh with the minister, initially, because of my profound disappointment with her recent decision. But now that I've got that out of my system, I think we'll just move back to perhaps trying to find some solutions to the issues that I know the minister is aware I want to raise — that is, the situation in and around the district of Sooke, particularly Otter Point, Shirley and the unincorporated area of East Sooke.

[1920]

The minister will know that the community is severely divided on what is the best course of action for them, as an unincorporated area within the capital regional district. I'm wondering if the minister could advise me what the status is of the proposed governance study and how much money is going to be put into that.

**Hon. I. Chong:** To the member for Malahat-Juan de Fuca: I appreciate his graciousness this evening, and I trust we will have a good, thorough debate.

First of all, I have to say that it must be particularly difficult for him. I can appreciate that he has a community he represents which has so many diverse views on what should or should not take place. I know his job is to represent as many of his constituents as possible, but when you have so many different views, it can't be easy. While I'm not trying to offer my condolences, I just do acknowledge the fact that he has a very difficult situation that he has been put into.

I will tell him, though, that we have provided some dollars. That was forwarded to the CRD to explore the structure that currently is in place and other structures that might be there. The letter I sent along with the funds was based on the fact that... Perhaps even before the last municipal elections, because of the difficulties that arose, we had made a commitment that we would provide some dollars to study a planning grant for whatever assistance — that could help — once the municipal elections had taken place. That was the purpose of sending those dollars out.

I have since had a chance to speak to the chair of the CRD and basically express the view — because I have heard some concerns — that the dollars are there to make sure that the board can move forward on a planning restructure study, if that's what they want. But if there are still different views on what should take place and they want to take a step back and determine the terms of reference of the board, they can well do that before they proceed with that.

I'm trying to provide as much latitude for the right outcomes, which we hope eventually will take place, because the CRD is very much involved with this process. We have initiated the discussions with the CRD. It's our hope that they will further explore the study's intent and provide terms of reference with all affected municipalities and communities.

At this time I have not heard back as to whether they've developed those terms of reference, and I cer-

tainly would encourage the member that if he would like to provide input to the CRD, I'm sure they would accept that as the MLA representing the area with so many constituents with so many different views.

**J. Horgan:** I thank the minister for her response.

One of the challenges with those areas that are within the CRD of my constituency.... Of course, I also have representatives from the CVRD above the Malahat. I know my time is limited, and I do want to get to some discussions around the city of Duncan and potential restructuring there. I believe there are some resources put to that. But let's leave that aside. Just to be forewarned, you can be ruminating on that while I pose the next question with respect to Otter Point, Shirley and East Sooke.

[1925]

The minister has met with the mayor of the district of Metchosin. He proposed an idea which has been dubbed "the rural alliance" as a possibility for some of the areas in and around the district of Sooke. The challenges in Malahat-Juan de Fuca — with the very high growth that's taking place in Langford and spilling into Colwood, spilling into Highlands and butting up against the now-intransigent Metchosin — are also having a ripple effect out through to Port Renfrew. I appreciate that the minister understands this very well and appreciates the position that I'm put in. But the commitment I made to the residents of Shirley and Otter Point was that I would work on their behalf to get this governance study off the ground, and I'll certainly take that up with the chair, the mayor of Victoria.

My recollection from the correspondence from February was that the funding was \$10,000, which I think won't get you a whole lot in the consulting business that I just left. So I'm curious as to whether, after we review the options, the minister would be receptive to increasing that funding so that a thorough review could be done that would potentially include this notion of a rural alliance.

While I'm on my feet, could she perhaps give her views on what she thinks about this idea of rural being a mindset rather than a place and that those residents in and around the incorporated areas of Langford and Sooke may well find common ground in terms of a philosophy and a rural perspective that may not lend itself to traditional and historic municipal boundaries.

**Hon. I. Chong:** As the member continues to share with us the various areas that he represents, I know how difficult it is, because he certainly has a very wide range of communities in the area, from the very urban and those that have huge areas of growth to those that want to maintain their rural perspective.

As I've indicated, we provided the dollars for the planning study grant because there had been a request in place. We had suggested that because of the governance challenges that were in place, we had to do as thorough a review as possible. We did receive responses from the CRD, the district of Metchosin, and



the Otter Point and Shirley Resident Ratepayers Association in support of pursuing a governance study, and I think he's aware of that. That's important, which is one of the reasons why we funded that.

When I met with the mayor of Metchosin, I wanted to assure him that all possibilities or options are certainly on the table. I didn't want to presuppose any conclusions. However, I did encourage him — because of the nature of what was happening and the kinds of letters I was getting, some in support and some not — to speak with the mayor of Sooke. I understand that that perhaps did not go as well as he had hoped. I have not received anything in letter form. But just because you live in a town such as we live in, we hear it from various people that it did not go well.

The mayor of Metchosin did reinforce the district support to conduct a study for East Sooke to join Metchosin, so I think that has been positive in that respect, with the addition of including the Malahat and some of the TimberWest lands. But again, I think it's important that the governance study includes as many options as possible.

The member asks whether there was any opportunity to provide further funding. He knows better than I what kind of consultant fees are being charged. I wasn't in that business. So if he's suggesting that the \$10,000 won't get very much, I've checked with staff, and we are able to provide a further amount if that's necessary. I don't know if that \$10,000 has even been expended or if it's sitting in the security bank account right now.

As I say, I have not yet heard. If the member is aware.... If he would like to pursue this and facilitate that and speak with Sharon and then come back to us and advise us, then I would be most happy to be able to do that so that he is able show his representation of his constituents as to what he's able to procure for them. We'll see what additional dollars we can provide.

**J. Horgan:** This is proof positive that when you just stay angry and get over it and then come and try and cooperate, good things can happen. So I'm very pleased that the minister had a capable staff person able to take the brunt of my frustration so that we could work cooperatively. That's the way it should work. I nod to both of you for that. Thank you very much. I will take you up on that.

[1930]

I'll discuss this with the mayor of Victoria and other parties. I do want to say, while I'm on my feet with respect to this issue, that the district of Sooke is also within my constituency. I'm very excited about the opportunities in that area. It's not the same direction that many of the residents around the boundaries as they exist now want to go. That's part and parcel of the challenge. The East Sooke component sits nicely beside Metchosin, so the continuation of annexation or amalgamation can continue there, I suppose. But you raised the timberlands and the Malahat as well.

While we're moving up the road, let's look at the Cowichan Valley regional district for a moment. Could the minister advise me what the status is of discussions

around expanding the boundaries of the city of Duncan and the impact that would have on electoral area E, which is the communities of Sahtlam and Glenora, and also electoral area D, which is Cowichan Bay?

[V. Roddick in the chair.]

**Hon. I. Chong:** In terms of Duncan, I understand there has been a longstanding request to review its boundaries. It was late in 2005 — I was just getting clarification from the staff whether it was before or after the last municipal elections, and it was, in fact, after the last municipal election — that the request had come in that they did want to continue to pursue or review its boundaries, and they asked for some financial assistance.

We did provide a planning grant — a fairly substantial one, more than the \$10,000. They received \$30,000, as I understand it. Obviously, they are very serious about having a look at that. I believe it's because they only received those dollars that they're still very early in that process. We don't have any information as yet as to what they're looking at — again, what terms of reference, what issues that are being raised that the planning grant has been able to provide them with information on. I'm sure the member will.... As it progresses, I would hope that he's kept informed by the Cowichan Valley regional district or the municipality of Duncan.

If we receive information and we're able to share that with the member, I will commit to provide that to him so that he can be kept aware of all those possible changes. But again, it's fairly early in the process. We have nothing yet in our office in regards to that.

**J. Horgan:** Again, I thank the minister. The challenges within the boundaries of Malahat-Juan de Fuca are significant. With the rapid growth in and around Mill Bay, the Bamberton project has reappeared on the landscape. There are numerous developments — just last week another 5,000 units, the member will know, in Langford. So it's a big, big challenge, not just for me as a member of the Legislature but for residents in the provincial electoral area of Malahat-Juan de Fuca.

Any help that I can offer to the minister as she grapples with some of these issues.... I'm more than happy to offer my services and expertise, such as it is, at significantly lower rates than I would have had I not been elected to this place.

Again, the minister answered the first question by pointing out the size of the grant for Duncan, which is a much smaller area than we're dealing with in the Sooke-Otter Point area. So I'll thank her again for her time, and a personal thank-you — I've even written it down — for her aide on my right, her left.

I'll end my questioning there. Thank you to the critic as well.

**The Chair:** Member for....

**S. Simpson:** I'm pleased to have the opportunity to ask the minister a couple of questions about situations

that go on in my constituency of Vancouver-Hastings and generally in the city.

[1935]

**The Chair:** Thank you. That's what I needed to say — Vancouver-Hastings.

**S. Simpson:** I appreciate that. I understand.

**B. Lekstrom:** But you don't skidoo there.

**S. Simpson:** Oh, you don't know that. Not in Vancouver-Hastings I don't skidoo; I will give you that.

I have questions in a couple of areas, but the first one relates, really, to planning issues related to the GVRD and locally in that area. Could the minister maybe tell us a little bit about her views on the question about authorities for regional districts, particularly the GVRD?

As the minister will know, it's a complex region. We have things like the livable region strategic plan which is being advanced. I think most people would say that it's a good plan. There are obviously parts of it that have not been as successful as people might have wished. Some of the argument for why it hasn't been successful is that local governments maybe haven't adhered to the plan in the way that the region might have desired. I'd be interested to get the minister's comments around that question, around growth management and local area planning or regional planning and what she believes needs to happen in places like the Greater Vancouver regional district to ensure responsible growth management and regional planning.

**Hon. I. Chong:** To the member for Vancouver-Hastings: a short while ago his colleague the member from Maple Ridge was canvassing issues that also pertained to GVRD. I would hope that I could refer him to *Hansard* after this evening, and maybe he could check on that in terms of the process and how GVRD is involved, particularly with the livable region strategy.

In terms of regional districts as a whole, there are 27 regional districts around the province. Some of them work particularly well. Others have challenges because of the makeup of the personalities, sometimes, that serve on them. Nonetheless, the regional districts are an order of government in the sense that they are governed by legislation by the Local Government Act. Generally speaking, the ministry and I, as minister, are involved insofar as, sometimes, changes to things such as the official community plans and things of that nature.

In terms of growth management and regional planning, I do believe those are very important tools, especially in regional districts where there is a very large population and very diverse kinds of communities. We have always encouraged, even before my time here and even in the previous government, that regional growth strategies take place. We still encourage that regional districts undertake them, even if they've changed over the years and new municipalities have formed and joined them.

If the member wants to know my views in terms of growth management and regional planning, I think they're very important tools. For that reason, the ministry does have resources that are there to assist regional districts and move them along. At the end of the day, though, if a regional district chooses not to request assistance in having a regional growth strategy in place or to look at growth management plans, we cannot make them put that in place.

I can tell the member that when I was on the regional district here, I had some great difficulty convincing my own council, as one of the representatives on the regional district, to pursue a regional growth strategy. Unfortunately, it didn't happen until after I left. At least I certainly understand the challenges sometimes and how member municipalities in a regional district may or may not want to be involved.

We still encourage them to do this, because it is important for sustainability, for transportation — all the issues that I think we're all concerned about.

**S. Simpson:** The minister spoke about encouraging regional districts. The minister also talked about the importance of sustainability. As the minister certainly will know, sustainability is a pretty complex thing. It's complex everywhere, but in a large urban centre like Greater Vancouver, it gets particularly challenging.

[1940]

Unlike some of the other regional districts, where most of the regional directors are elected, in Vancouver, of course, it's this appointment process through local government folks who are elected. I sometimes think they tend to be a little more parochial, maybe, than regional directors in other areas — not that politicians could ever be parochial, but periodically, it bubbles up.

The minister spoke about encouraging growth management plans and the importance of sustainability. Could the minister tell us: how does the government encourage growth management plans, and what does the government do to encourage sustainability?

**Hon. I. Chong:** Oftentimes when I meet with local mayors and councillors and regional district representatives, there are challenges that they face. When I mentioned to the member that I encourage them, sometimes the encouragement comes from the fact that they come in the door and they say: "We have a problem here." So I do encourage them. I say: have you thought about doing a number of things?

From that respect, I do want to say that I don't go out knocking on all the doors of the regional district and say: I encourage you to do this; I encourage you to do this. Usually, it comes from the regional district representatives who are struggling with particular challenges. Then certainly, from that point, I encourage it.

The other way, I guess, that encouragement is provided, is by providing a number of tools that makes that process easier. The Local Government Act includes the growth strategy. That was included, I believe, in

1995. It's a legislative tool that allows regional districts to move forward on those strategies and regional planning in that regard.

Sometimes, again, a regional district is stopped in its tracks because they don't have the financial resources, so a further encouragement or tool that we provide is the financial dollars. We will provide funding for them so that that support is available.

Thirdly, some regional districts, which are perhaps smaller — not the one that this member represents, of course — need even beyond the financial support — sometimes expertise. So we always have our ministry staff to provide staff support, should they need any additional assistance in that way.

As the member would know, local governments, regional districts or municipalities generally work well on their own, and it's when they phone us or knock on our doors and they have a particular problem that we're certainly there to hear it. Then we provide them with a variety of options or tools on how to move forward. That's the kind of encouragement we make to try to find resolutions to some of the difficult challenges they have.

It is important, I think, that many areas take a look at their managed planning and regional planning from time to time, even every ten years or so. We see how changes take place in our communities. If a regional district requires some assistance, we want to be able to provide that. That's primarily the kind of encouragement that we are able to provide from our ministry staff perspective.

[1945]

**S. Simpson:** I'm going to take from that, and the minister can certainly correct me, that in the case.... I appreciate that particularly in the case of smaller regional districts, there is some resource support available for those districts for planning support or whatever, where they may not have the capacity or the staff or the resources.

My interest today is particularly the GVRD — my own area. The GVRD, of course, didn't have those same limitations. It has a greater capacity because of its size. I'm assuming they're not going to avail themselves of those grants in quite the same way that a small district would, and appropriately so. I'm taking from what the minister's saying that while there may be encouragement there, there are not formal ways to encourage some body like the GVRD. I accept that.

The other part of my question, though, was around sustainability. The minister spoke of sustainability and the importance of sustainability. Could the minister tell me: what exactly does the ministry do to encourage sustainability? In terms of information, in terms of data, in terms of research, what does it provide to local governments to encourage them to take a more sustainable approach to how they manage their growth?

**Hon. I. Chong:** One area that allows us to encourage areas to look at sustainability in their communities is a new initiative. It's called a smart development partnership. That would be to encourage a community — perhaps not so much in the GVRD or Vancouver,

but perhaps in a growing community where they are looking to develop — to look at building buildings which have the LEED standard, which as he knows is the Leadership in Energy and Environmental Design.

I can tell you that just recently here in Langford there is going to be an entirely new neighbourhood. It will be the first LEED neighbourhood anywhere in the world that is based on that — 40 percent of which is going to be greenspace. That's the kind of encouragement. Providing some dollars to lever the thinking to going towards a smart-development partnership is sometimes all that it takes for a community, a council, to be responsive to that idea.

The other ways that we as a ministry are able to, again, encourage better planning and sustainability are in the water and sewer projects that we fund as well. Many times we take a look at the conservation aspects of the water conservation management. The other area that is relatively new is the New Deal for Cities and Communities with the federal government, whereby it has been built on a number of principles, not just to provide infrastructure dollars to communities, but also for sustainability in their communities.

[1950]

Within that, again, there are some planning dollars to be provided to communities to allow them to look at energy efficiency, conservation and sustainability for their communities. Those are just some of the things.

We have had a long history in this ministry, even before I was here — and perhaps the member will know — in the previous administration, as to this. Part of the role of the ministry is to encourage, as I say, communities to be sustainable, to be livable. After all, we all belong to one community or another. We will continue on with that practice of looking at initiatives that would encourage local governments and regional districts to do that.

At the end of the day, though, if the member is wondering if we have the authority to go in and demand a local government — whether it's a municipality or a regional district — to take a particular action, I would say that's generally not possible, particularly because those are locally elected people who have, I guess, plans for their particular area. But we try to encourage, wherever possible, good regional planning as well as sustainable planning.

**S. Simpson:** I have a couple more questions. Another one — I'm going switch gears here. I know the minister spoke to the critic about the streamlining act — and I believe there were some questions there — and talked about how there's nothing happening right now around that. There are no instances where that's being used. It's not a piece of policy that's been used. I appreciate that. But could the minister give us an example or examples of when the streamlining act might be considered to be used? Under what circumstances would you see using the streamlining act?

**Hon. I. Chong:** When I spoke to the member's colleagues.... I can't remember if it was, in fact, the critic

or someone else, but in any event, there were draft guidelines put in place when the streamlining act was introduced. It was done so as to do exactly that, to provide some examples of what may take place. Perhaps it would be easiest if I read to the member what would be ordinarily eligible for designation as a project that the streamlining act might be applied to.

It would be a project that is important to the economic, social or environmental well-being of the province and have impacts and benefits that extend beyond the project's location; contribute to the furtherance of the province's key economic development interests; enhance competitiveness; encourage the involvement of the private sector and financial arrangements — including but not limited to things such as joint ventures, joint financing arrangements, cooperative alliances, etc.

Of course, it would have to be supported by cabinet, and it would be of a scale that would warrant the additional management effort that's required of it. Those were guidelines that were put in place. They were canvassed at the time the act was brought into place. Those are the principles upon which a project would be designated and for which the streamlining act may potentially be used. But as I indicated, there has been no item that has come before me for which the streamlining act had to be applied.

**S. Simpson:** Just one, hopefully, quick question in relation to this. Should the act be used at some point, is there any requirement around public consultation before the act is used?

[1955]

**Hon. I. Chong:** I think perhaps it would be best that I refer the member to the streamlining act. I think it lays out some of the criteria in the act. Without trying to read the act and spend too much time here doing so, I think it does lay out the steps for which consultation can take place. It perhaps would be easiest that I refer the member to the act itself. If he needs a copy of it, we can certainly provide it. But I think we all download it off the computer these days, and I hope that will suffice for the member.

**S. Simpson:** I appreciate that things can't always happen. But it was my sense, and I get there that there's not an obligation for that consultation.

I have what I think is a last question, and it relates to election spending in local governments, and very specifically to election spending in Vancouver. As the minister may know, this is often a discussion that happens in Vancouver. You now have three political parties in Vancouver. Two of them spent in excess of a million and a half dollars in the last election. The other one spent about three-quarters of a million dollars. In an at-large system, what that does is create a situation where money becomes a determining factor in elections.

As the minister will know, all of us, when we get elected.... We all have spending limits on us that ensure that everybody spends close to the same amount of money in our local elections and constituencies. The

elections are largely based on how we campaign, not on one candidate being able to spend four times as much as another. So it becomes more.... Certainly, elections are more about ideas, but we still have enough resources there to do our advertising and to get our message out.

There's always the debate in Vancouver among differing views about whether there should be spending limits put in place — in Vancouver particularly, though there may be other municipalities that are starting to edge up that way — Surrey, possibly others. The question I have for the minister is: has the minister at all contemplated this question of whether spending has become a determinant in election outcomes in Vancouver, and if so, should that be adjusted so that local elections in a city where they spend an awful lot of money start to look more like provincial and federal elections where we have caps on what we can spend?

I think it's a good thing that we are capped on what we can spend. I'd like the minister's views on that, particularly as it relates to Vancouver, which is certainly where the problem around spending is. I think it's not a problem in smaller communities. People spend a couple of thousand dollars and get elected or don't. But in Vancouver, if you're an independent candidate or you're a candidate and you've got \$10,000 in the bank, it ain't going to do you much good. I'd like to know what the minister's view is around putting spending limits in place in a municipality like Vancouver.

**Hon. I. Chong:** You know, elections certainly have changed over the years. I know that when I was first elected locally, because I chose to run independently as opposed to on a slate, unfortunately, I couldn't reduce my costs. I was a first-time person out, so all my expenses were new. I couldn't recycle signs because I didn't have any to recycle. It's very difficult sometimes to judge whether the amount that a person spends actually does have an outcome or not, simply because some people have an opportunity to be on a slate and they can share costs. That, again, can make a difference as to whether you went independently or on a slate.

[2000]

In his particular area, Vancouver, being such a large centre.... I've certainly seen some changes in the last two or three elections. He does raise some concerns, I think, that are reasonable. If changes need to be made in terms of caps or spending in that area, I would need to ensure that there is a process to consult with Vancouver, particularly because they have their own charter. It's important that they are treated with respect in terms of the fact that they have some consultation on that basis.

I have said that I am open to any ideas that will certainly improve an election process and voter turnout. Part of that is because after every municipal election, or for the last few that have been held, we have sent out a survey that local governments undertake. I actually have heard back from someone who completed the survey recently, so I know it's being taken seriously.

The results of the survey are, then, also referred to the UBCM, because they're the body that oversees all municipalities. Also, it's referred to the Local Government Management Association, LGMA, to see if there is consensus for legislative changes, because that's what would have to happen. We would have to make changes to the Local Government Act, changes to the Community Charter and then possibly the Vancouver Charter.

We do need to have some consensus for those legislative changes. Because the survey is held fairly soon after a municipal election, it does give us the time to bring in changes if there is consensus for the next election, which would be in 2008.

If the member wishes to encourage the people in his district, his area, to fill out the survey and provide information and feedback, I would certainly enjoy having some of that information come back so that I can see just exactly what the views are. As in the case of many municipal elections, sometimes voter turnout is low, and sometimes interest in filling out surveys is low. He may have some work cut out for him to ensure that we have an interest in these changes.

**N. Macdonald:** We're going to make things very, very compact here, and we're going to be jumping around, as we have this whole evening.

Just around the issue of downloading now, this is something that I had mentioned to the ministerial assistant that we would talk to you a little bit about. We don't really have an opportunity to debate semantics on downloading and whether it is or not.

In the communities that I speak to, most of them will.... When you ask for a list of what has been downloaded, using their definition of downloading, they will often bring out a fairly substantial list from their perspective. For Burnaby, they would give you a list that would run into the millions.

Communities that I'm more familiar with.... It was kind of reinforced when they were talking about how much was spent on elections. When I ran for mayor, I think I spent \$100, so that's the level I'm used to. But smaller communities that will deal in much smaller numbers that they feel are downloaded, yet for the budget they have available to them, they're significant amounts of money.

The question I have is this.... I'll just put them altogether. There are things like the safe drinking water act. One of the smaller communities in my area represented \$30,000 a year that they felt they had to deal with in terms of additional costs. You had cross-connection control, aquifer protection. Some of the smaller communities below 5,000 talked about that costing over \$40,000. Each community would have a list of things that they felt the province had downloaded, not to enter into the debate as to whether there was downloading or not, but just in terms of communities having this information.

I guess the question is: since the province has indicated that it doesn't download, do you have any mechanism for measuring what communities are say-

ing has been downloaded to them? Do you have figures, for instance, on how much the safe drinking water act would have cost communities? Do you have that sort of information, or is it something that you wouldn't collect?

[2005]

**Hon. I. Chong:** His specific question was regarding whether we had information as to costs associated with, in his particular case, the Drinking Water Protection Act. I have to say that I don't have that information. We don't have the ministry collect that data.

What I can say is that in cases where, for example, public health standards need to be improved upon, it's something that we do expect that local governments would want to take part in. You know, if standards do change, local governments — a responsible and accountable order of government — need to take responsibility for that. As a government, we try to be sensitive to some of these changes, and where possible, we try to work with these local governments to see how they can implement such changes.

I know sometimes, I guess, it's favourable for some to talk about downloading, but I can tell you that over the course of the last term, our government has provided more dollars to local governments to allow them to do more within their communities. As the member knows, the traffic fine revenue sharing, the 100 percent that is returned to our communities, is evidence of that. Also, providing additional grants through the B.C. community water improvement program, which was not a program that we were able to partner with the federal government on, is another example. Again, we wanted to help our communities improve upon their public health and environmental water systems as best we can.

The fact that we've also announced that we're going to increase the small community protection grants again is another measure that our government has put in place to assist our communities. So while I understand that the member who's the critic in this area needs to put this on the record, I want to say that we have provided more dollars than before. We've also levered dollars from the federal government, where we have been able to have programs — Canada-B.C. infrastructure program, the New Deal for Cities — all in an effort to ensure local governments have more opportunity to do more for their local governments.

I hope the member can appreciate that sometimes changes are made, but that's to improve the quality of life in certain communities. We would hope that those local governments, who are a responsible order of government, would accept that and put those standards in place.

**N. Macdonald:** I knew that this is something that we would not agree on. We certainly don't have time to have that debate now, and I appreciate the minister's position. I'm sure over time we will continue to have this debate in different settings.

There are a number of things that I could have asked around that, and also around something that I raised in last session's estimates: opportunities for

communities to generate funds in a different way than property taxation. Just the burden that is placed upon property owners, whether they're in business or whether they're in residences.... You know, this is something that we hear a great deal about — some of the burdens there.

To jump to something related, but a bit more current, that we're going to have to deal with in the new year: communities under 5,000. I understand that it's primarily something that the Solicitor General would introduce as a change. But nevertheless, it's probably you as the minister that many of the communities will be going to, asking you to intercede and make the case for them. This is, you know, a download that is going to cause difficulty for them.

Another related download would be the office of the fire commissioner, where communities have identified costs that are going to come to them, that they feel the province used to pick up in the past.

[2010]

I just want to give an opportunity to my colleague to talk about the policing issue for communities under 5,000. We won't spend very long on that, and then we're going to move after that to the transition program and just some questions around that. So like I say, mental gymnastics for you as you jump from one place to the next, but I know that you're more than capable of handling that. I turn it over to my colleague from Cariboo South.

**C. Wyse:** Observations that I have are that we have a federal government with billions of dollars of surpluses and we have a provincial government with a billion of dollars surplus. I'm now talking on behalf of a municipality with a total budget somewhere in the neighbourhood of around \$20 million and its population is over 5,000 — Williams Lake.

Consistently, the policing costs for this particular municipality are now approaching 25 percent of its operating budget. They are finding a huge amount of pressure in order to be able to juggle the costs of policing — just the inflationary costs of that sum — contained within that sum of their budget. So my question to the minister is: what is your ministry doing to address this issue for this particular municipality?

**Hon. I. Chong:** The member for Cariboo South: I appreciate his participation in these debates.

He specifically wanted to know about his community, Williams Lake. Specifically, we have two items that are assisting small communities, but in his community, the small community protection grant one. Again, last year we announced the doubling of that, which means more dollars going to those communities — specifically those of his size.

Of course, the traffic fine revenue sharing which we brought in.... This will be the second budget year that the traffic fine revenues have gone back to small communities. So those are two specific real-dollar amounts that are being allocated out, if that's what the member is specifically wanting to refer to.

**C. Wyse:** Being aware of those particular programs, they need to be borne in mind in comparison of the portion of the budgets for a municipality that is of that type of a population range and is at the centre of a transportation route. The pressures that are put upon that particular municipality to balance off this cost completion are huge, and it has been ongoing for a very long period of time.

Very recently it's been the municipality that's inherited some additional pressures for further increasing their costs for adding additional officers, and I wish to very briefly relate them to the minister. The effect of drugs can increase related crime. Remember, this is a city at a crossroads of two highways. You have homelessness. We have people now that are homeless being murdered in Williams Lake — very recently.

[2015]

Likewise, we have got mentally ill that have been involved. Pardon me, minister; I need to step back and correct that. The issue around the homeless does involve mental illness. One of the other individuals does have related mental illness involved with it. In addition to that particular set of circumstances, we also have recent cases in Williams Lake of mental illness not receiving adequate care in the community in a timely fashion. That individual had been involved, apparently, in some arsons that likewise have occurred within the community.

With these increased pressures upon this particular municipality, to add additional policing costs to them, with services that would normally be provided by a provincial government not being there, has added additional pressures to that particular community.

My question to the minister is: what plans does she have to address these concerns so that municipalities such as Williams Lake do not continue to be forced to deal with that pressure for additional police officers because other programs are not in place?

**Hon. I. Chong:** I appreciate the concerns he's raising in terms of his community. I guess what I can say is I acknowledge that as the world around us is changing, and the sophistication of crime that occurs, yes, we need more and more tools to fight crime and to protect our communities as best as we can. That is, as I say, one of the reasons why we did provide the traffic fine revenues back to communities — so that they can take a look at their policing or community safety needs as such.

We also know that one of the reasons why crime has also increased in some areas is because we have people who have been addicted to crystal meth. For that reason, we again partner through UBCM by providing a program where communities can access dollars to try to stem the incidence or the rise of crystal meth use around the province.

[The bells were rung.]

**Hon. I. Chong:** I'm just waiting to see how many bells ring, hon. Chair.

The reason why the small community protection grants have been provided, as well, was to assist those smaller communities that are facing larger challenges. If the member is particularly concerned about the policing — that is, the costs that are going to be associated as a result of the contemplated changes.... I mean, I think he knows that this has been a longstanding issue.

Let me just quickly....

**The Chair:** Division has been called. I declare a recess.

**Hon. I. Chong:** Then, hon. Chair, I will continue after the recess.

The committee recessed from 8:18 p.m. to 8:29 p.m.

[V. Roddick in the chair.]

On Vote 21 (*continued*).

**Hon. I. Chong:** My apologies to everyone. I had wanted to conclude my answer before we went to do the vote in the big House. Let me just provide for the member for Cariboo South, regarding his questions, in terms of Williams Lake in particular.... In terms of the traffic fine revenue sharing, in year 2005, approximately \$181,000 went to the community, and in 2006 it's anticipated \$175,000 would be available.

The small community protection grant currently sits around \$185,000, and the doubling of that grant, which will be phased in over the next four years, will mean that another \$185,000 will be anticipated. These are steps to ensure that we are able to assist small communities.

Over the course of the next number of years, if there are infrastructure programs and such things in place, these will also alleviate that — things such as the crystal meth program that's designed to help the communities deal with that scourge on their citizens. That's been made available as well.

[2030]

We will continue to hear from small communities as to where their pressures are and what their needs are, and we're open to that. We do this at UBCM and at the area associations as to what the areas of concern are. We always look for ways to partner with various levels of government to see how we can work towards making our communities a good place for all of us to live in.

**B. Simpson:** Switching gears again, two things: one is interface fire management, and the other, community transition. On interface fire management, as the minister is aware, municipalities now have responsibilities for developing plans. There's some funding available through UBCM for the plan development.

Now we have communities coming up to the actual implementation stage. What resources are available to those communities for implementation of their interface fire plans?

**Hon. I. Chong:** I know we spoke earlier today about a number of changes that take place around our communities — where health standards, for example, need to be improved. Municipalities or local governments need to adapt to change. Just because there are changes in standards, you would want to encourage municipalities to participate in that for the benefit of their citizens.

In the case of the interface fire management, that too is a good initiative — one that you would want communities to be engaged in, involved with and accept. I'm pleased to see that is taking place and that communities are putting in plans.

The implementation itself, however, is not an area that this ministry would have direct involvement in. It is Solicitor General and Public Safety and even the Ministry of Forests and Range that would deal more specifically with that. I would ask the member to refer specific questions on to those two particular ministries and see what crossover there might be.

**B. Simpson:** I will do that.

Switching to communities in transition, I have letters to Midway from the minister and a letter to the village of Port Clements. Both letters indicate that the communities in transition kicks in when "communities are significantly impacted by industrial closure or downsizing." The minister is aware of our involvement in the Midway situation.

With the communities in transition program, however, it appears as if it's an after-the-fact program. There has to be a hit first; then the program kicks in. From the community's perspective, the minute there's an announcement or the potential of a closure, the community is already feeling the impact. Housing prices drop. You get workers looking to relocate. Businesses start to lose business and so on.

We already know of many communities in this province that are going to be impacted by mill closures. There are discussions in Revelstoke. There are discussions in many coastal communities, etc. What I'm curious about, and what I'd like an answer to, is: why is the communities in transition program not a more proactive program that can allow communities to plan in advance of a mill closure, rather than after?

**Hon. I. Chong:** I know he is familiar with the community transition program. He will know that it's not a new program, and it's not one that we initiated. It goes back to the previous administration.

[2035]

The program is in place and was set up as it was from the very beginning, and we're administering it in the same way. It was never designed to be proactive. It was always designed to be as a result of incidents occurring. The reasons for that, I think, are quite simple. In some towns where an announcement is made, there might be some impacts felt immediately. In other cases it may not be, because they are still exploring other options.

We want to deal with these on a case-by-case basis. We want to make sure that if, in fact, there is a signifi-

cant impact, communities are able to come to our ministry and ask for a variety of options that can take place. Not everybody wants to do a full transition study. Some may prefer to do a smaller measure. To suggest that we have to go out to communities and suggest that they need to have a study done I don't think is going to necessarily solve anything. I think it actually could cause more concerns than there need to be.

[J. Yap in the chair.]

The other thing with the community transition is that it is about ensuring that where there is a significant impact as a result of a major industry or loss that affects the community, the transition is there to ensure that some of the essential services are there for the citizens. With the major loss of an industry, there generally is a major loss of the tax base and municipal dollars to fund particular services. But we also require communities to take some proactive steps themselves. Sometimes they have to change the services they provide. As I say, there's not one answer that fits all. It's certainly one that we monitor on a case-by-case basis as it is brought to our attention.

The new initiatives that are out now, though, the new development trust initiatives that have been established around the province, are also another means by which communities, if they want to, even before their communities go into a transition, can take a look at economic opportunities, explore opportunities for diversification. That is one proactive step that we have taken as a government.

Those dollars have been put out in the communities. They are going to make the decisions that they think will allow their towns, their villages, their cities to diversify, to be ready in case there are going to be some changes. I would also suggest that communities look at those development trusts that have been set up in their particular region to see if they want to be more proactive and, that way, avoid a potential change or significant loss to their community.

**B. Simpson:** Frankly, I find the logic doesn't work for me. The minister has spoken at length about how municipalities have to get on with the program, they've got to change with the times, and they've got to take into consideration all the new things that are put on them and just make the adjustments. Yet because the community transition program was designed in a different era than the government inherited, they can't evolve it. That logic doesn't make sense.

The circumstances have changed for many of these communities. Many of these communities know they're going to be taking a very significant hit. Mountain pine beetle impacted communities that know they're going to take a significant hit. In Vanderhoof, Prince George, Quesnel, if you look in the Queen Charlottes, where the MLA for North Coast and I were last week — those are communities that don't have a significant industrial tax base to be impacted, and yet the communities are

shrinking. In fact, one could argue that they're close to dying. So to fix a program just because that's what this government inherited — again, the logic defies common sense.

What we're asking is: why isn't the program evolving? Why isn't it evolving to change with the times and provide additional resources? In the past there were also things like mill closure reviews, which gave communities the opportunity to apply resources. There was the Job Protection Commission. There were industrial adjustment strategies with the federal government that were standing and automatically kicked in for retraining for workers, and so on. There were a lot of other resources that have now disappeared that one would think would cause the government to sit back and say: "Well, maybe we need to evolve the community transition program as well."

[2040]

Having said all of that, and given that the coastal forest industry is in full-blown collapse, given that the central interior of the province has mountain pine beetle impacts and the southern interior of the province is being impacted because of the waterbedding effect, will the community transition program be targeted for evolving to meet today's circumstances and today's realities for communities?

**Hon. I. Chong:** I apologize to the member if he took it that, the program that was established some years ago, we don't take a look at it. I just simply stated the fact that this was a program that was established, and the principles behind it were such that the transition for communities must be locally initiated and managed. It has been the practice that those communities have come forward. In addition, it has been based on the principles that every community is different and unique and that we deal with them on a case-by-case basis.

The last thing, I think, he would want is for us to rush out to all these communities and suggest that this is what they have to do because we've got the experience from this community or that particular community. As I've said, we want to deal with them on a case-by-case basis. We're prepared to listen to local governments. They may have solutions that may not require community transition or as much community transition assistance as another community. We want to be able to be flexible enough in that sense.

Hon. Chair, he raises the question, as well, on the mountain pine beetle. That is one area where we have, in fact, been proactive. When we were in opposition, we acknowledged that this was a problem that was occurring, and there was no plan in place. We have been working with communities to see how we can mitigate some of the challenges that are there.

As a result, the mountain pine beetle, their strategy, which is under the Ministry of Forests and Range and Minister Responsible for Housing.... He is the lead minister in this area, but we are engaged and involved in terms of providing input and information received from local governments, from municipalities, as to



what their specific challenges are — in particular, how to continue to be a community that will continue to survive.

There is a 2005-2010 mountain pine beetle action plan. It's a five-year plan. It's there to support assessing measures to mitigate the effects on communities where mountain pine beetle infestation has occurred. If the member is wanting to know specifically about that strategy, then I would ask him to refer those questions specifically to the Minister of Forests and Range.

**The Chair:** Member, noting the hour.

**B. Simpson:** Noting the hour, I am going to ask one more question.

**Hon. I. Chong:** It's not my fault.

**B. Simpson:** I'll take the pressure off of the minister. I didn't say that.

With respect to the mountain pine beetle strategy, I will certainly canvass that with the minister, but I would also remind the minister that her service plan says that she's got the socioeconomic impacts of this, and we've had correspondence to that effect. So there's a bit of ping-ponging going on here that doesn't serve communities very well.

The other issue. Let's move away from mountain pine beetle, then, and let's quickly look at the Queen Charlottes. The Queen Charlottes are sitting there, saying: "Please help us." All of the communities that we visited are saying: "Please help us." They don't have a large industrial tax base, so the community transition program, by its criteria, does not apply. They have taken a hit on forestry. They've taken a hit on fishing. And now a ferry has sunk, and they're taking a hit on tourism.

When we were there last week, we were hearing 40-percent to 60-percent cancellation rates on summer tourism and so on. This program does not fit in with that sense but is asking for assistance. They can't get a

minister to show up and talk to them. Will the minister commit today to go up there and talk to them about what their needs are and what will work?

**Hon. I. Chong:** I will try to provide a response to the member, and very briefly, so that we can adjourn fairly quickly.

Part of the community transition program also allows this ministry to work cross-ministerially to ensure that other services provided by other ministries can continue to stay in the community. That's the other part that we do that you can't always attach a dollar value to, but it's significant in that respect.

[2045]

In terms of the Queen Charlotte and the Sandspit, I can tell the member that I have not received a request to speak with them or to deal with any issues they currently have. I was there in December when the village of Queen Charlotte was incorporated. They received substantial amounts of dollars as a result of incorporation. They received moneys for their infrastructure program, so they were very pleased at the time. I was not — and that was only three or four months ago — given any idea that they had any issues, and I told the mayor as well as other mayors that they can always contact our ministry so that we can deal with any issues that emerge.

Those two communities — we have not heard from them directly. If they do contact us, then we'll look at that and deal with it on a case-by-case basis. There is not a standard answer for all communities.

**N. Macdonald:** I move that the committee rise and report resolution and completion of the Ministry of Advanced Education and report progress on the Ministry of Community Services and ask leave to sit again.

Motion approved.

The committee rose at 8:47 p.m.



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